

2007 ANNUAL REPORT

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CHILD PORNOGRAPHY and COERCION/ENTICEMENT

KEVIN MICHAEL BLUTO

KEVIN MICHAEL BLUTO, a resident of Great Falls, was sentenced to a term of:

- Prison: 7 years and 3 months
- Special Assessment: \$200
- Supervised Release: 5 years

BLUTO was sentenced in connection with his guilty plea to receipt of child pornography and possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that the United States Bureau of Immigration and Customs Enforcement (ICE) Cyber Crimes Center was conducting an investigation involving the distribution of child pornography via commercial subscription Internet Websites. Operation Falcon identified approximately 130,000 sales transactions for subscribers located throughout the United States. One of the persons identified was BLUTO. BLUTO was identified as a person who had used his Master Card to purchase access to known child pornography websites on several occasions from 2003 - 2004.

On March 17, 2005, BLUTO was contacted by ICE agents at his residence at 915 7th Avenue North in Great Falls. BLUTO gave consent for the agents to examine his computer for the presence of child pornography. A forensic examination revealed numerous images of child pornography on BLUTO'S computer, including several movies.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BLUTO will likely serve **all** of the time imposed by the court. In the federal system, BLUTO does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia Hurd prosecuted this case for the United States.

The investigation was conducted by the United States Bureau of Immigration and Customs Enforcement.

PRESTON J. BUSHARD

PRESTON J. BUSHARD, a 25-year-old resident of Havre, was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$200

- Supervised Release: 20 years

BUSHARD was sentenced in connection with his guilty plea to receipt and possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that in August of 2004, the Missoula Police Department received information that BUSHARD had been receiving and possessing child pornography via the Internet on his home computer. Missoula officers received consent to search the computer from BUSHARD'S wife and observed numerous images of children engaged in sexually explicit acts.

Further forensic examination revealed the presence of numerous images of child pornography and extensive activity searching the Internet for child pornography. When questioned, BUSHARD admitted that he had viewed and downloaded images of child pornography via the Internet using his home computer.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BUSHARD will likely serve **all** of the time imposed by the court. In the federal system, BUSHARD does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Missoula Police Department and the Department of Homeland Security.

JIMMY DEAN CARPENTER

JIMMY DEAN CARPENTER, a 44-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 360 months for **each** of the 3 counts of sexual exploitation of children; 240 months for the distribution of child pornography count – **All counts to run consecutively, for a total of 1,320 months**
- Special Assessment: \$400
- Supervised Release: life
- Forfeiture of computer equipment

CARPENTER was sentenced in connection with his guilty plea to three counts of sexual exploitation of children and one count of distribution and receipt of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have

proved at trial that in August of 2005, an officer from the Great Falls Police Department received information that CARPENTER had allegedly sexually abused a four-year-old child. Another child reported that CARPENTER showed her pornography on his home computer. The police officer obtained a search warrant for CARPENTER'S residence located in Great Falls. Numerous items of computer equipment including CDs, digital cameras and a desktop computer were seized and searched. Found on several of the items were items of child pornography, including sexually explicit images of CARPENTER and three juveniles, ages 5,10, and 11. The computer analysis also found that CARPENTER distributed the images of himself and his victims to persons across the United States and abroad via the Internet.

When questioned, CARPENTER admitted he produced the child pornography and distributed it to other collectors via the Internet. CARPENTER also admitted distributing, receiving and possessing child pornography via the Internet using his home computer.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that CARPENTER will likely serve **all** of the time imposed by the court. In the federal system, CARPENTER does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Great Falls Police Department and Bureau of Immigration and Customs Enforcement.

(The following is a direct result of the above prosecution.)

On February 3, 2006, in the Southern District of Florida, JIMMY I. OLIVER, of West Palm Beach, was charged by the U.S. Attorney's Office for the Southern District of Florida, in an indictment with enticing a minor child to engage in sexually explicit conduct for the purpose of producing child pornography for Internet distribution; distribution of that child pornography; and possession of child pornography.

OLIVER was arrested on January 20, 2006, on a warrant issued by the U.S. District Court of the District of Montana. According to the criminal complaint filed in Montana, a search warrant was executed on the home of a Montana resident, JIMMY DEAN CARPENTER, in August of 2005. The search of his home computer and CD-Roms resulted in the discovery of multiple images of child pornography, including several digital films of CARPENTER'S minor children. Other images of adult males engaged in sexually explicit conduct with children were also discovered on CARPENTER'S computer equipment and CO-Roms. Chat room logs revealed that CARPENTER had discussed sexual activity with children with a person who claimed to be a 54-year-old

male resident of Florida.

On January 13, 2006, CARPENTER identified the person with whom he had been exchanging child pornography over the Internet as JAMES OLIVER. CARPENTER stated that he had images on his computer of OLIVER engaged in sexually explicit acts with a child.

Based upon additional investigation, including a review of child pornography on CARPENTER'S computer, OLIVER was positively identified as the person on CARPENTER'S computer images. As a result, an arrest warrant was issued on January 19, 2006. Agents with the West Palm Beach Division of the U.S. Immigration and Customs Enforcement, in conjunction with the Palm Beach County Sheriff's Office, arrested OLIVER in West Palm Beach on January 20, 2006, on the charges listed in the Montana complaint.

Subsequently, the U.S. Attorney's Office in West Palm Beach obtained a federal search warrant for OLIVER'S beach home which was executed on January 20, 2006. OLIVER'S home computer equipment was examined and images of child pornography were found.

WINSTON DAVENPORT

WINSTON DAVENPORT, a 23-year-old resident of Hamilton, was sentenced to a term of:

- Prison: 78 months
- Special Assessment: \$200
- Supervised Release: lifetime
- Forfeiture: computer and equipment

DAVENPORT was sentenced in connection with his guilty plea to receipt and possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In September of 2005, agents with the Bureau of Immigration and Customs Enforcement received information that a computer belonging to DAVENPORT had been engaged in a peer to peer swapping of files using a file-sharing program, which included child pornography.

On November 15, 2005, ICE agents executed a search warrant at DAVENPORT'S residence in Hamilton.

When questioned, DAVENPORT admitted that he had used file-sharing programs to obtain all kinds of pornography, including child pornography. DAVENPORT also admitted that he had downloaded both images and movies of child pornography, and that he had kept his images and videos in folders that he shared with others on occasion.

A forensic examination of DAVENPORT'S computer found numerous images and videos of child pornography, including images of children clearly under the age of 12 or prepubescent, and children engaged in sadistic or masochistic abuse or other depictions of violence.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that DAVENPORT will likely serve **all** of the time imposed by the court. In the federal system, DAVENPORT does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

MARCUS DEAN

MARCUS DEAN, a 26-year-old resident of Helena, was sentenced to a term of:

- Prison: 240 months
- Special Assessment: \$300
- Restitution: \$869.33
- Supervised Release: life

DEAN was sentenced in connection with his guilty plea to interstate transportation of a minor; travel with the intent to engage in illicit sexual conduct; and distribution of drugs to a person under the age of 21.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In late 2005, DEAN became acquainted with a 15-year-old girl. DEAN introduced her to the intravenous use of narcotics, including oxycodone and morphine, both Schedule II drugs. DEAN provided the young girl with the narcotics and injected her with the drugs at various locations in Helena from December of 2005 through February of 2006.

DEAN and the young girl also engaged in a sexual relationship that included sexual intercourse, even though DEAN was aware that she was only fifteen.

In January of 2006, DEAN, the young girl, and two other people traveled to Portland, Oregon. DEAN transported or caused the young girl to be transported across state lines. DEAN and the young girl engaged in sexual intercourse in several states during the drive to and from Portland. DEAN also procured heroin that he injected into the girl.

When questioned, DEAN admitted that he had distributed the narcotics to the young girl and that he had intravenously injected her with the drugs. He also admitted that he had transported or caused her to be transported across state lines and that he had traveled across state lines to Portland where they engaged in sexual activity and heroin use.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that DEAN will likely serve **all** of the time imposed by the court. In the federal system, DEAN does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Helena Police Department.

RICHARD LEE DICKSON

RICHARD LEE DICKSON, a 52-year-old resident of Helena, was sentenced to a term of:

- Prison: 96 months
- Special Assessment: \$200
- Supervised Release: life

DICKSON was sentenced in connection with his guilty plea to distribution of child pornography and possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that in July of 2002, the FBI began an undercover investigation of six people who were identified as being involved in trading child pornography. DICKSON was identified as one of the traders. He lived in Helena and used the screen name LynneD35 to distribute child pornography to others within a group. The group's other members included individuals in Florida, Texas, Massachusetts, and other areas in the United States. An undercover agent infiltrated the group and received a number of child pornography images from DICKSON and others on numerous occasions during 2002-2004.

When interviewed by the FBI in September of 2004, DICKSON admitted that he had used the screen name LynneD35 and that he had collected and distributed child pornography via the Internet. He estimated his collection at around one thousand images. DICKSON used a Micron Millennia computer and various removable computer

media to distribute and possess the child pornography.

A forensic examination of DICKSON'S computer was conducted and thousands of images of child pornography were found. The images contained children clearly under the age of 12 which included images with various forms of violence.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that DICKSON will likely serve **all** of the time imposed by the court. In the federal system, DICKSON does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

BRANDON DWAYNE FOSTER

BRANDON DWAYNE FOSTER, a 23-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 27 months
- Special Assessment: \$100
- Supervised Release: 3 years
- Forfeiture: computer

FOSTER was sentenced in connection with his guilty plea to possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on August 25, 2003, the Great Falls Police Department was advised by a Radio Shack attorney that a Radio Shack maintenance center in Murray, Utah, had received a home computer from FOSTER for repair. When the service technician turned on the computer, the screen saver depicted small male children engaged in sexual acts. This information was relayed to the Federal Bureau of Investigation in Salt Lake City, Utah, which sent agents to interview the service technician.

The service technician confirmed that he had received the computer, a Hewlett Packard Pavilion 544mn CPU, from the Great Falls Radio Shack store. The service invoice identified the computer belonged to FOSTER. The service technician stated that when he turned on the computer to test it, which is his normal procedure in repairing any unit, the screen saver mode activated and a slide show ensued, depicting approximately 10 to 15 images of nude male children. These children ranged in age from 10 to 14 years. The computer was turned over to the FBI.

FOSTER was interviewed both by telephone and in person by Great Falls FBI agents

on several occasions. FOSTER admitted that he obtained the child pornography from the internet. FOSTER also admitted that he had accessed child pornography sight with a credit card and saved child pornography photos and videos on his hard drive. FOSTER gave consent to search his residence and his computer that was seized from Radio Shack.

On October 6, 2003, during a search of FOSTER'S residence, a removable IBM Travel Star hard drive was retrieved from a smashed laptop computer. In a previous interview, FOSTER admitted that he had originally saved the images to this computer and then transferred them to the hard drive of the computer that he had sent in for repairs.

On January 6, 2004, a search warrant for the Hewlett Packard was obtained. The computer was then shipped to an FBI certified forensic examiner. The forensic examiner conducted a digital forensic analysis on the computer and internal hard drive and placed pertinent graphics, video, e-mail and other files onto DVD for review by the case agents.

A copy of the examination results (the DVD) was forwarded to an FBI investigative analyst for examination. The examination resulted in the identification of 1,048 pertinent images, which depicted minors and prepubescent minors engaged in various sexual acts. These images were visually compared with images located in the FBI Child Victim Information Program, a repository of images depicting identified child victims. The investigative analyst identified 19 child victims.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that FOSTER will likely serve **all** of the time imposed by the court. In the federal system, FOSTER does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

RYANN MICHAEL FRADENBURGH

RYANN MICHAEL FRADENBURGH, a 22-year-old resident of Baker, was sentenced to a term of:

- Prison: 97 months
- Special Assessment: \$200
- Supervised Release: 5 years
- Forfeiture: Computer Equipment

FRADENBURGH was sentenced in connection with his guilty plea to receipt and possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In December of 2004, during a related investigation, officers from the Baker Police Department seized FRADENBURGH'S computer. When analyzed, the computer was found to contain numerous images of child pornography, mostly in movie form.

FRADENBURGH used a computer program to receive the images from the Internet. He had saved the files as "hidden" files to avoid detection. FRADENBURGH'S computer had been used at various locations in Baker to receive and possess child pornography during 2004.

The images depicted children clearly under the age of twelve or prepubescent children and images of sadistic or masochistic abuse or other depictions of violence.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that FRADENBURGH will likely serve **all** of the time imposed by the court. In the federal system, FRADENBURGH does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Baker Police Department, the Bureau of Immigration and Customs Enforcement, the Federal Bureau of Investigation, and the Montana Department of Criminal Investigation.

DESMOND DIEMETRIUS HARDESTY

DESMOND DIEMETRIUS HARDESTY, a 29-year-old resident of Clinton, was sentenced to a term of:

- Prison: 51 months for each count, to run concurrent
- Special Assessment: \$200
- Supervised Release: 3 years
- Forfeiture: computer equipment

HARDESTY was sentenced in connection with his guilty plea to receipt of child pornography and possession of child pornography. In an Offer of Proof filed by the United States, the government stated it would have proved at trial that in December of 2001, law enforcement officials reported to the Missoula County Sheriff's Office that HARDESTY currently possessed child pornography on his home computer.

On April 11, 2002, FBI agents executed a search warrant at HARDESTY'S residence. Seized during the search were a computer and numerous floppy disks. Several of the

disks next to HARDESTY'S computer contained written references to child pornography.

The items were sent by the FBI for analysis. Thousands of images and some movies of child pornography were found. A number of the images were images of known victims or children who have previously been identified in national child pornography cases. Numerous banners to child pornography websites were found, along with a password-protected zip file that contained child pornography.

HARDESTY was interviewed during the search on April 11, 2002. He admitted to possessing thousands of images of child pornography that he had received from several pay websites on the Internet from 2001-2002. HARDESTY admitted that he possessed images depicting adults engaged in sexual acts with children as young as two years of age and that he spent several hours a week organizing the images to make them easier to access and view.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that HARDESTY will likely serve **all** of the time imposed by the court. In the federal system, HARDESTY does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia Hurd prosecuted this case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

AMBER HALLING

AMBER HALLING, a 20-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 260 months for each count, to run concurrent
- Special Assessment: \$200
- Restitution: \$85
- Supervised Release: Lifetime
- Forfeiture: Computer Equipment

HALLING was sentenced in connection with her guilty plea to two counts of sexual exploitation of children.

On May 10, 2005, a middle school student told her school counselor information about the criminal sexual activities of the HALLING household. The child gave detailed, first hand observations of conduct, including the live sex shows that HALLING'S mother, Tammy Halling, HALLING, and two other thirteen-year-old girls were performing for men on the Internet. The child watched the shows and observed the men requesting the acts via webcam and chat.

On May 11, a search warrant was executed at the HALLING residence. Found during the search were a number of items that had been used in the Internet sex shows, including a computer, webcam, and sexual toys.

The two thirteen-year-old girls were questioned. Both reported that they had engaged in sexually explicit conduct that was distributed via the Internet to paying customers.

HALLING was questioned and admitted that she was involved in several shows with the two girls that involved sexually explicit conduct which was broadcast over the Internet to paying customers in other states via a webcam.

Forensic analysis of the computer seized from the HALLING residence revealed multiple chat logs documenting the shows and the money paid by male customers across the United States for the shows.

Tammy Halling was found guilty at trial and has been sentenced.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that HALLING will likely serve **all** of the time imposed by the court. In the federal system, HALLING does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Immigration and Customs Enforcement and the Great Falls Police Department.

TAMMY HALLING

TAMMY HALLING, a 37-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 110 years total – (Count I: 30 years, Count II: 30 years, Count III: 30 years; Count IV: 20 years – all counts to run consecutive)
- Special Assessment: \$400
- Supervised Release: Lifetime
- Forfeiture: Computer Equipment

HALLING was sentenced after having been found guilty during a 1-day trial of sexual exploitation of children and distribution of child pornography.

At the trial, testimony was presented that on May 10, 2005, a middle school student had told her school counselor information about the criminal sexual activities of the HALLING household. The child gave detailed, first-hand observations of conduct, including the live sex shows that HALLING, her daughter (Amber Halling), and two other thirteen-year-old girls had performed for men on the Internet. The child had watched

the shows and observed the men requesting the acts via webcam and chat.

On May 11, 2005, a search was executed at the HALLING residence. Found during the search were a number of items that had been used in the Internet sex shows, including a computer, web cam, and sexual devices. The two thirteen-year-old girls testified that they had engaged in sexually explicit conduct that was distributed via the Internet to paying customers.

Both thirteen-year-old girls testified that the sexual shows also included HALLING often typing and communicating with customers while the activity occurred. The residence, computer and PayPal account used for the shows belonged to HALLING.

Forensic analysis of the computer seized from the HALLING residence revealed multiple chat logs documenting the shows and the money paid by male customers across the United States for the shows.

Amber Halling pled guilty to federal charges and has been sentenced.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that HALLING will likely serve **all** of the time imposed by the court. In the federal system, HALLING does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

BART HOLT

BART HOLT, a 47-year-old resident of Missoula, was sentenced to a term of:

- Prison: 120 months
- Special Assessment: \$200
- Supervised Release: 15 years
- Forfeiture: computer, web cam & cell phone

HOLT was sentenced in connection with his guilty plea to coercion and enticement of a minor and possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

An FBI agent was working undercover in an Internet chat room posing as a girl under the age of sixteen. In December of 2004, the agent was contacted by HOLT.

HOLT, a podiatrist in Missoula, engaged the “girl” in almost immediate discussions of her young age and sexual matters. HOLT and the “girl” engaged in a number of conversations over the next several months. HOLT posed as a 19-year-old college student and did not disclose his true age.

HOLT made repeated references to the fact that he would be in trouble and get arrested should he and the “girl” have sex as he wanted to.

However, in June of 2005, HOLT disclosed that he was forty-six and a doctor in Missoula. During some of the conversations, HOLT would webcam the “girl” footage of himself masturbating.

In July of 2005, HOLT made arrangements to meet the “girl” in Billings to have sex with her. HOLT repeatedly noted that he would go to jail due to the “girl’s” young age and his concern that he would be caught and arrested when they had sex.

On August 1, 2005, HOLT traveled from Missoula to Billings to meet with the “girl” for sex. When HOLT arrived at the meet site, he attempted to flee but was apprehended.

A subsequent computer analysis of HOLT’S computer revealed numerous images of child pornography that he had received via the Internet. HOLT also admitted that he had engaged in similar conversations with another girl in Great Falls, also using his webcam to transmit sexually explicit images of himself to her. Law enforcement officers found the girl in Great Falls, who confirmed HOLT’S account. The girl in Great Falls was fourteen years old at the time.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that HOLT will likely serve **all** of the time imposed by the court. In the federal system, HOLT does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

This case was being brought as part of Project Safe Childhood. In February 2006, Attorney General Alberto R. Gonzales created Project Safe Childhood, a nationwide initiative designed to protect children from online exploitation and abuse. Led by the United States Attorneys’ Offices, Project Safe Childhood marshals federal, state and local resources to better locate, apprehend, and prosecute individuals who exploit children via the Internet, as well as identify and rescue victims. For more information about Project Safe Childhood, please visit www.projectsafechildhood.gov/.

ROBERT F. JERNBERG

ROBERT F. JERNBERG, a 32-year-old resident of Billings, was sentenced to a term of:

- Prison: 7 years and 3 months on each count, to run concurrently
- Special Assessment: \$400
- Supervised Release: 5 years
- Forfeiture: computer equipment

JERNBERG was sentenced in connection with his guilty plea to three counts of distribution of child pornography and possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that the National Center for Missing and Exploited Children received several complaints via their Cybertipline regarding an internet address that had posted child pornography images several times on the Internet. The address of the person posting the images was determined to be that of JERNBERG in Billings. The incidents occurred on October 29, 2003; January 24, 2004; and January 30, 2004. The distributed images included images of minor females engaged in sexually explicit activity or engaged in lewd and lascivious displays.

Based on that information, agents from the FBI'S Crimes Against Children Unit in Billings executed a search warrant on JERNBERG'S home. JERNBERG admitted the agents would find child pornography on his computer. The evidence also indicated he had been viewing images since 1997.

Computer analysis revealed in excess of 1,300 images of child pornography on JERNBERG'S computer including still images and videos. Some of the children were clearly less than twelve or were prepubescent.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that JERNBERG will likely serve **all** of the time imposed by the court. In the federal system, JERNBERG does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted this case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the United States Bureau of Immigration and Customs Enforcement.

DANIEL GERARD LACEY

DANIEL GERARD LACEY, a 31-year-old resident of Billings, was sentenced to a term of:

- Prison: 360 months
- Special Assessment: \$300
- Restitution: \$421
- Supervised Release: 10 years

LACEY was sentenced in connection with his guilty plea to two counts of sexual exploitation of children and possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On March 14, 2005, an individual notified the Billings Police Department that earlier in the day the individual had observed child pornography, including photographs of the individual's six-year old child, on LACEY'S computer. The computer was seized by law enforcement and subsequently forensically searched.

Found on the computer were numerous images of child pornography, including images of the individual's child that LACEY had taken. LACEY engaged the child in sexually explicit conduct and then took digital photographs of that activity. The photographs were taken by LACEY in Billings during 2004-2005.

The child was interviewed and disclosed that LACEY had shown the child sexually explicit pictures on the computer of children and adults.

Also found on the computer were numerous images of child pornography that LACEY had received via the Internet. Those images had been received from 2003 through March of 2005.

When questioned, LACEY admitted that he had sexually abused the child and photographed the activity of himself and the child. LACEY also admitted receiving and possessing child pornography via the Internet. LACEY claimed that this was the only child he had ever victimized.

LACEY'S residence was also searched. Found in the garage was a videotape that LACEY had made. The tape shows LACEY sexually abusing a toddler girl. Further investigation by law enforcement revealed that the tape was made in Billings in 1999 and that it involved a child that LACEY was babysitting. The tape depicts LACEY and the child engaged in sexually explicit conduct and activity.

The computer contained 217 movies of child pornography and over 3000 images of child pornography. The images included children clearly under the age of twelve or prepubescent children and children engaged in sadistic or masochistic abuse or other depictions of violence.

Because there is no parole in the federal system, the "truth in sentencing" guidelines

mandate that LACEY will likely serve **all** of the time imposed by the court. In the federal system, LACEY does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Billings Police Department.

JESSE LAWS

JESSE LAWS, a 26-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 108 months
- Special Assessment: \$200
- Supervised Release: 5 years
- Forfeiture: computer equipment

LAWS was sentenced in connection with his guilty plea to receipt and possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

The Bureau of Immigration and Customs Enforcement agents were investigating allegations of child pornography distribution by users utilizing a peer-to-peer file sharing network.

Beginning in April of 2005, one investigation involved an individual in Great Falls who offered to share child pornography via a file sharing program. ICE agents tracked the computer IP address to a Great Falls residence.

On June 30, 2005, agents executed a search warrant on the residence. It was determined that LAWS had resided at this residence and was responsible for the child pornography computer traffic. However, the night before the search was executed, LAWS took his belongings and moved to an apartment in the same building to live with friends. LAWS took the computer with him to the apartment.

A second search warrant for the apartment in which LAWS' was currently residing was obtained and served. Numerous items of computer equipment were seized and forensically examined.

The forensic examination of the computer found numerous items of child pornography that LAWS had received and possessed via the Internet during 2005. LAWS possessed a large number of images, including children clearly prepubescent and

children engaged in sadistic or masochistic abuse or other depictions of violence.

LAWS admitted that he had begun searching the Internet in March of 2005 using file sharing programs. He admitted that he possessed hundreds of child pornography movies and knew that others were obtaining files from his file sharing program.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that LAWS will likely serve **all** of the time imposed by the court. In the federal system, LAWS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

JOSEPH VERN LENHART

JOSEPH VERN LENHART, a 28-year-old resident of Worden, was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$200
- Supervised Release: 5 years

LENHART was sentenced in connection with his guilty plea to receipt and possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In January of 2006, the Billings FBI Office received a report that LENHART had received and possessed child pornography via the Internet using his home computers.

When questioned, LENHART admitted that he used his personal computers to acquire child pornography via the Internet, mainly using a file sharing program. LENHART further admitted that he knew that receipt and possession of child pornography was illegal.

Images of child pornography were found on LENHART’S computers when examined by the FBI.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that LENHART will likely serve **all** of the time imposed by the court. In the

federal system, LENHART does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Bureau of Immigration and Customs Enforcement.

ELIAS LIME

ELIAS LIME, a 53-year-old resident of Kalispell, was sentenced to a term of:

- Prison: 120 months
- Special Assessment: \$200
- Supervised Release: lifetime
- Forfeiture: computer equipment

LIME was sentenced in connection with his guilty plea to receipt and possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In July of 2005, agents with the Bureau of Immigration and Customs Enforcement received information that a computer belonging to LIME was engaged in peer-to-peer swapping of child pornography using a file-sharing program.

On September 16, 2005, ICE agents executed a search warrant at LIME’S residence in Kalispell.

When questioned, LIME admitted that he had used file-sharing programs to obtain male child pornography. LIME admitted that he downloaded and shared images and videos of young children engaged in sexually explicit activities. LIME stated that he preferred young boys ages 8 to 13 but liked to look at pornography of young girls also.

LIME further admitted that he knew that the child pornography was illegal. LIME also stated that he likes young boys and that he would watch young children in his apartment complex.

A forensic examination of LIME’S computer found numerous images and videos of child pornography, including images of children clearly under age 12 or prepubescent, and children engaged in sadistic or masochistic abuse or other depictions of violence.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that LIME will likely serve **all** of the time imposed by the court. In the federal

system, LIME does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

ROBERT OREN McCALLUM

ROBERT OREN McCALLUM, a 23-year-old resident of Kalispell, was sentenced to a term of:

- Prison: 51 months
- Special Assessment: \$100
- Supervised Release: 10 years

McCALLUM was sentenced in connection with his guilty plea to possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on October 30, 2004, the Kalispell Police Department received a request for assistance at First National Pawn. McCALLUM had pawned his home computer at the business and while preparing the computer for resale, employees found that McCALLUM had images they believed to be of child pornography on the computer.

The computer was seized and a forensic analysis found numerous images of child pornography, including those of known victims.

When questioned, McCALLUM said that the only explanation for the images being on his computer would be that it was him. He reported that no one had access to his files as they were password protected.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that McCALLUM will likely serve **all** of the time imposed by the court. In the federal system, McCALLUM does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the Kalispell Police Department.

EVERT MEINERS

EVERT MEINERS, a 32-year old resident of Billings, was sentenced to a term of:

- Prison: 180 months
- Special Assessment: \$900
- Supervised Release: 5 years

MEINERS was sentenced in connection with his guilty plea to advertising, distribution, and possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In June of 2004, an FBI agent located in Maryland was utilizing Internet Relay Chat to monitor persons who were allowing users access to their computer systems to download files, through what is called an "f-serve."

The agent downloaded five images of child pornography from an individual using the nickname of "LilJHalf." Based on the identified computer IP address, MEINERS was identified as "LilJHalf."

MEINERS was operating a child pornography f-serve. He advertised child pornography images for distribution in exchange for other child pornography images to be sent to him. MEINERS used his home computer to operate the f-serve. MEINERS advertised and distributed child pornography to the agent on June 4, 2004.

On June 9, 2004, MEINERS advertised and distributed child pornography using his f-serve to a detective from the Rockland County, New York Sheriff's Department.

On July 11, 2004, MEINERS advertised and distributed child pornography using his f-serve to the German National Police located in Germany.

On June 15, 2004, MEINERS advertised and distributed child pornography using his f-serve to a different FBI agent located in Illinois.

Even though the various law enforcement agencies were unaware of each other's involvement, all the leads were sent to Immigration and Customs Enforcement Special Agent Jason Pawlowski in Billings. Pawlowski identified MEINERS and executed a search warrant on his residence on November 15, 2004. Numerous items of computer equipment were seized during the search warrant and reviewed forensically.

Computer analysis revealed thousands of images of child pornography on MEINER'S computer, including still images and videos. Some of the children were clearly less than twelve or prepubescent. When questioned, MEINERS admitted that he had

advertised, distributed and possessed child pornography via the Internet using his computer and the f-serve that he established. He admitted collecting in excess of 12,000 images and categorizing them for his f-serve.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that MEINERS will likely serve **all** of the time imposed by the court. In the federal system, MEINERS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Bureau of Immigration and Customs Enforcement.

DARIUS REYES MIRANDA

DARIUS REYES MIRANDA, a 26-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$200
- Supervised Release: 5 years
- Forfeiture: computer equipment

MIRANDA was sentenced in connection with his guilty plea to receipt and possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

The Wyoming Internet Crimes Against Children Task Force initiated an undercover operation targeting peer-to-peer file sharing networks offering child pornography.

In September of 2005, a computer, utilizing the IP address assigned to MIRANDA, offered to participate in the distribution of child pornography.

On September 30, 2005, ICE agents executed a search warrant at MIRANDA’S Great Falls residence. Recovered during the search was a computer that MIRANDA admitted he used to receive and possess child pornography.

Forensic analysis of MIRANDA’S computer revealed numerous movies containing images of children engaged in sexually explicit conduct.

When questioned, MIRANDA admitted receiving and possessing child pornography via the Internet.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that MIRANDA will likely serve **all** of the time imposed by the court. In the federal system, MIRANDA does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K Hurd prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

SHAWN MICHAEL NASH

SHAWN MICHAEL NASH, a 33-year-old resident of Billings, was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$100
- Supervised Release: 5 years

NASH was sentenced in connection with his guilty plea to coercion and enticement of a minor.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In September of 2005, an FBI agent was working undercover in an Internet chat room posing as a girl under the age of 16 when the agent was contacted by NASH. NASH proceeded to engage the “girl” in almost immediate discussions of her young age, his age of 32, and sexual matters.

NASH and the “girl” engaged in a number of conversations over the next several weeks. NASH then arranged to meet the “girl” in Billings to have sex with her. NASH repeatedly noted that he would go to jail due to the “girl’s” young age and his concern that he would be caught and arrested when they had sex.

On October 18, 2005, NASH traveled from his home at 11:30 p.m. to meet with the “girl” for sex. When NASH arrived at the meet site, he was arrested.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that NASH will likely serve **all** of the time imposed by the court. In the federal system, NASH does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Bureau of Immigration and Customs Enforcement.

WILLIAM MICHAEL NEWMAN, JR.

WILLIAM MICHAEL NEWMAN, JR., a 30-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 115 months
- Special Assessment: \$200
- Supervised Release: 5 years

NEWMAN was sentenced in connection with his guilty plea to receipt and possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

The Wyoming Internet Crimes Against Children Task Force initiated an undercover operation targeting peer-to-peer file sharing networks offering child pornography.

From February through April of 2005, a computer utilizing the IP address which was assigned to NEWMAN while he was residing in Kalispell, offered to participate in the distribution of child pornography. Subsequent investigation revealed that NEWMAN had since moved from that residence to Great Falls.

On January 12, 2006, ICE agents went to NEWMAN'S new residence in Great Falls. NEWMAN gave the agents permission to search his computer for images of child pornography and advised them that there could be questionable images on the computer. Images of child pornography were found during the preliminary search of NEWMAN'S computer. NEWMAN admitted that he knew the children in the photographs were under the age of eighteen and that the photographs constituted child pornography.

Forensic analysis of NEWMAN'S computer revealed numerous images of children engaged in sexually explicit conduct. When questioned, NEWMAN admitted his role in receiving and possessing child pornography on his computer via the Internet.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that NEWMAN will likely serve **all** of the time imposed by the court. In the federal system, NEWMAN does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

This case was brought as part of Project Safe Childhood. In February 2006, Attorney General Alberto R. Gonzales created Project Safe Childhood, a nationwide initiative designed to protect children from online exploitation and abuse. Led by the United States Attorneys' Offices, Project Safe Childhood marshals federal, state and local resources to better locate, apprehend, and prosecute individuals who exploit children via the Internet, as well as identify and rescue victims. For more information about Project Safe Childhood, please visit www.projectsafchildhood.gov/.

BRYAN SCOTT PHILLIPS

BRYAN SCOTT PHILLIPS, a resident of Great Falls, was sentenced to a term of:

- Prison: 87 months
- Special Assessment: \$200
- Supervised Release: 5 years
- Forfeiture: computer equipment

PHILLIPS was sentenced in connection with his guilty plea to receipt and possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

The Wyoming Internet Crimes Against Children Task Force initiated an undercover operation targeting peer to peer file sharing networks offering child pornography.

In July of 2005, a computer utilizing the IP address assigned to PHILLIPS at his residence on the Air Force Base in Great Falls, offered to participate in the distribution of child pornography.

On September 20, 2005, Bureau of Immigration and Customs Enforcement agents executed a search warrant at PHILLIPS' residence. Found during the search was a computer that PHILLIPS admitted he used to receive and possess child pornography.

Forensic analysis of PHILLIPS' computer revealed numerous image files and movies containing images of children engaged in sexually explicit conduct. When questioned, PHILLIPS admitted his role in receiving and possessing child pornography via the Internet.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that PHILLIPS will likely serve **all** of the time imposed by the court. In the federal system, PHILLIPS does have the opportunity to earn a sentence reduction for

“good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

STEPHEN QUINN

STEPHEN QUINN, a 45-year-old resident of Harwood Heights, Illinois, was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$300
- Supervised Release: life

QUINN was sentenced in connection with his guilty plea to interstate transportation of a minor and violation of the Communications Decency Act.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In May of 2005, QUINN came under investigation by the FBI after the agency received information that QUINN had engaged in a sexual relationship with a juvenile male. QUINN and the juvenile male made contact in a gay chat room on the Internet in June of 2003, when the juvenile was fifteen.

QUINN resided in Illinois and the juvenile male resided in Montana. The Internet relationship included sexually explicit conversations and webcam sexual activity.

In July of 2004, QUINN traveled to Montana and engaged in sexual activity with the juvenile male, then age sixteen. The Internet relationship continued after the Montana trip.

In August of 2004, QUINN flew the juvenile to Illinois so the two could attend a concert in Wisconsin. QUINN picked the juvenile up in Illinois and drove him to Wisconsin where they attended the concert and engaged in sexual activity.

The juvenile was under the legal age of consent in Wisconsin, which is eighteen; and, also under the legal age of consent in Illinois, which is seventeen. QUINN and the juvenile returned to Illinois, where the juvenile then flew back to Montana.

In approximately October of 2004, QUINN came to Montana again to visit the juvenile. They again engaged in sexual activity. QUINN also purchased various items for the juvenile which included telephone calling cards, a digital camera, and other items.

QUINN also purchased alcohol for the two to drink when they were together.

In NOVEMBER of 2004, QUINN accused the juvenile of “cheating” on him, and in December of 2004, the juvenile terminated the relationship with QUINN.

On May 6, 2005, QUINN called the juvenile’s mother, identifying himself as Curtis Wayne. QUINN told the juvenile’s mother that the juvenile had been luring older men on the Internet for sex, told her detailed information about each of her children and about the juvenile’s physical attributes.

On May 17, 2005, QUINN again spoke with the juvenile’s mother in a telephone conversation which was recorded by the FBI.

QUINN then began contacting the juvenile by telephone, e-mail, and text messaging. The e-mails and messages which included insults, threats, and repeated references to their failed sexual relationship, were retrieved and reviewed by the FBI.

The FBI located documentation from the airlines, hotels, and QUINN’S credit cards that confirmed the Illinois/Wisconsin trip.

QUINN’S supervisor at his place of employment in Illinois identified the juvenile as a person that QUINN brought to the job in the summer of 2004 and introduced as his nephew. The FBI also found letters from QUINN discussing the trip, the relationship, and a photograph of the juvenile that was taken in front of the hotel in Wisconsin. Also found were chat logs showing QUINN’S desire to engage in sexual activity with the juvenile and envelopes from QUINN’S employer that he used to send letters to the juvenile.

When questioned, QUINN admitted that he had traveled to Montana to see the juvenile and that the juvenile had traveled to Illinois and then on to Wisconsin with him.

QUINN denied knowing that the juvenile was only sixteen when they engaged in sexual activity; however, e-mails between the two clearly documented QUINN’S knowledge of the juvenile’s age.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that QUINN will likely serve **all** of the time imposed by the court. In the federal system, QUINN does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

JASON SAARI

JASON SAARI, a 24-year-old resident of Butte, was sentenced to a term of:

- Prison: 72 months
- Special Assessment: \$200
- Supervised Release: 15 years
- Forfeiture: Computer Equipment

SAARI was sentenced in connection with his guilty plea to receipt and possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In June of 2005, during an investigation into allegations of child pornography distribution by users utilizing the peer-to-peer file sharing network, Bureau of Immigration and Customs Enforcement (ICE) agents discovered a person in Butte who offered to share child pornography via a file sharing program.

On a number of occasions in June and July of 2005, various images and movie files of child pornography were located on the computer in question. ICE Agents tracked the computer IP address to the residence of JASON SAARI in Butte. The agents executed a search warrant on SAARI'S residence on August 10, 2005.

SAARI'S computer equipment was seized and forwarded to a forensic laboratory for analysis.

The analysis revealed numerous items of child pornography that SAARI had received and possessed via the Internet during May - August 10, 2005, including a large number of images depicting prepubescent children and children engaged in sadistic or masochistic abuse or other depictions of violence.

When questioned, SAARI admitted that he had begun searching the Internet for child pornography in May of 2005 when he purchased his computer, using file sharing programs. SAARI reported that he was the only person who used the computer, and that he knew that child pornography was wrong. SAARI claimed that he did not know he was sharing child pornography with others on the Internet when using the file sharing program. SAARI admitted that he used the Internet to receive and possess the child pornography found on his computer. SAARI used the computer equipment to access the child pornography.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SAARI will likely serve **all** of the time imposed by the court. In the federal system, SAARI does have the opportunity to earn a sentence reduction for "good

behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

CHRISTOPHER SCHOENTHAL

CHRISTOPHER SCHOENTHAL, a 30-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 170 months
- Special Assessment: \$200
- Supervised Release: 5 years
- Forfeiture: Computer Equipment

SCHOENTHAL was sentenced in connection with his guilty plea to receipt and possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

That Immigration and Customs Enforcement (ICE) agents were investigating allegations of child pornography distribution by users utilizing the peer-to-peer file sharing network.

One investigation involved a person in Great Falls. ICE agents conducted a search warrant of that individual’s residence on June 30, 2005. The individual was interviewed and indicated that SCHOENTHAL was also in possession of child pornography.

On July 1, 2005, SCHOENTHAL was contacted by ICE agents at his residence in Great Falls. SCHOENTHAL gave consent for the agents to examine his computer for the presence of child pornography. A forensic examination revealed numerous images of child pornography found on his computer and related media, including movies. When questioned, SCHOENTHAL admitted that he had received and possessed child pornography via the Internet using his home computer.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that SCHOENTHAL will likely serve **all** of the time imposed by the court. In the federal system, SCHOENTHAL does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

ARTHUR EMIL SINERIUS, JR.

ARTHUR EMIL SINERIUS, JR., age 42, was sentenced to a term of:

- Prison: 180 months - Count I; 120 months - Count II; sentences to run concurrent
- Special Assessment: \$200
- Supervised Release: Lifetime
- Forfeiture: Computer Equipment

SINERIUS was sentenced in connection with his guilty plea to receipt and possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In February of 2005, the Helena office of the Federal Bureau of Investigation received information that SINERIUS was accessing child pornography on his home computer via the Internet.

A source reported that SINERIUS spent several hours a day on the Internet chatting and viewing pornography, including child pornography. The source found printed photos of child pornography taken from the Internet in SINERIUS' computer room.

On March 13, 2005, FBI agents executed a search warrant at SINERIUS' residence in Helena. Found during the search was a computer and various removable media that he admitted he used to receive and possess child pornography. Also found were printed images of child pornography.

Forensic analysis of SINERIUS' computer revealed numerous images of children engaged in sexually explicit conduct. When questioned, SINERIUS admitted his role in receiving and possessing child pornography via the Internet. The images included known victims; children clearly under the age of twelve or prepubescent children; and images of sadism, masochism, or other depictions of violence.

SINERIUS is a registered sexual offender, having been convicted in Montana state court in 1994 of sexually abusing a minor female child.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SINERIUS will likely serve **all** of the time imposed by the court. In the federal system, SINERIUS does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

FOREST SCOTT SMART

FOREST SCOTT SMART, a 38-year-old resident of Billings, was sentenced to a term of:

- Prison: 30 months
- Special Assessment: \$100
- Supervised Release: 3 years
- Forfeiture: computer equipment

SMART was sentenced in connection with his guilty plea to possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on August 28, 2003, a witness approached a Yellowstone County Sheriff's Office deputy at the Blue Basket in Lockwood. The witness had purchased CDs from a pawn shop and when he opened one of the CDs, he found a Polaroid picture of child pornography hidden in the left side of the case.

Further investigation revealed that the CD had been pawned by SMART on April 28, 2003. The photo depicts SMART'S wife at the time engaged in sexual activity with a minor.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SMART will likely serve **all** of the time imposed by the court. In the federal system, SMART does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Billings Police Department, the Yellowstone County Sheriff's Office and the Federal Bureau of Investigation.

JOHN ULMER

JOHN ULMER, a 42-year-old resident of Townsend, was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$200
- Supervised Release: 10 years
- Forfeiture: computer equipment

ULMER was sentenced in connection with his guilty plea to receipt and possession of child pornography.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Agents with the Bureau of Immigration and Customs Enforcement (ICE) were investigating allegations that various persons in the United States had purchased child pornography from Internet websites. One investigation involved a credit card belonging to ULMER which showed that on three occasions between February of 2003 and January of 2005, ULMER had purchased access to child pornography websites.

On July 10, 2005, ICE agents contacted ULMER at his residence in Helena. ULMER admitted that his computer contained images of children approximately twelve to fourteen years old in sexual poses. ULMER further admitted that he had been viewing child pornography on the Internet for approximately 3 years, using the websites and file sharing programs. ULMER'S computer was seized and forensically evaluated.

Found during the examination were numerous items of child pornography that ULMER had received and possessed via the Internet during 2003-2005. ULMER possessed hundreds of images, including children clearly prepubescent and children engaged in sadistic or masochistic abuse, or other depictions of violence.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that ULMER will likely serve **all** of the time imposed by the court. In the federal system, ULMER does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

DRUGS

HERIBERTO ACEVES-VELASQUEZ

HERIBERTO ACEVES-VELASQUEZ, a 28-year-old citizen of Mexico, was sentenced to a term of:

- Prison: 87 months and 24 months, to run concurrently
- Special Assessment: \$200
- Supervised Release: 5 years

ACEVES-VELASQUEZ was sentenced in connection with his guilty plea to conspiracy to distribute over 500 grams of methamphetamine and illegal re-entry after deportation.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on June 18, 2005, law enforcement officers engaged in drug enforcement conducted surveillance at the residence of Robert William Roper, a documented drug trafficker, who at that time was suspected of trafficking in methamphetamine and marijuana being supplied, at least in part, by Mexican national traffickers. Roper and a live-in girlfriend, Shaylee Ellen Welch, were observed in the driveway, along with two Hispanic males. Roper, Welch, and the two Hispanic males were observed to leave Roper's residence in three vehicles.

The Beaverhead County Sheriff's Department was contacted and alerted to be on the look-out for the white vehicle containing the two Hispanic males.

An agent with the Department of Homeland Security, Bureau of Immigration and Customs Enforcement (DHS/ICE), subsequently observed and followed the vehicle, noting the temporary sticker in the rear window did not appear to have the proper dated temporary tag. An officer with the Beaverhead County Sheriff's Department initiated a traffic stop based on his observations that the suspect vehicle was not properly registered.

The agent with DHS/ICE, who spoke Spanish, assisted with the traffic stop of the two Hispanic males. He approached the vehicle and observed two male Hispanics, one in the driver's seat and the other as the front seat passenger. He identified himself and talked to both the driver, ACEVES-VELASQUEZ, and the passenger, Jose Arias-Valdez. Both confirmed they were in the United States illegally. Both were subsequently arrested.

At the jail, the agent with DHS/ICE talked to both. ACEVES-VELASQUEZ stated the vehicle they were driving belonged to another individual who had loaned him the vehicle for the trip. ACEVES-VELASQUEZ then signed a permission to search form for the vehicle. During a search of the vehicle, a hidden compartment was located behind the driver's seat which contained a large sum of currency. A second hidden compartment was located on the passenger side. It was empty but the odor of marijuana was detected in that compartment.

ACEVES-VELASQUEZ was subsequently interviewed and stated he came to Montana two weeks prior with Arias-Valdez driving a vehicle containing three pounds of methamphetamine which they delivered to Robert William Roper. They received \$30,000 in payment which they took back to Salt Lake City, Utah, and gave to an individual there. The payment received by this individual from Roper was \$1,000 short of full payment, which resulted in the individual making a deduction from their commission for transporting the drugs. ACEVES-VELASQUEZ further admitted that he and Arias-Valdez returned to Roper's residence on June 18, 2005, parked in the

garage, and met with Roper. At that time they handed over to Roper two packages of methamphetamine as well as 15 pounds of marijuana. They received \$28,000 from Roper for the methamphetamine and marijuana. The money was placed into the hidden compartment in their vehicle and was the same money that was eventually seized by law enforcement. ACEVES-VELASQUEZ acknowledged he made two trips to Butte and received \$1,500 to \$2,000 in payment each time he transported drugs from Salt Lake to Butte.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that ACEVES-VELASQUEZ will likely serve **all** of the time imposed by the court. In the federal system, ACEVES-VELASQUEZ does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Jose Arias-Valdez pled guilty to and been sentenced on federal drug charges.

Assistant U.S. Attorneys Bernie Hubley and Tim Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Southwest Drug Task Force, Bureau of Immigration and Customs Enforcement, and the Butte-Silver Bow Law Enforcement Agency.

RONALD BRUCE ADAMS

RONALD BRUCE ADAMS, a 65-year-old resident of Wolf Creek, was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$200
- Fine: \$400,000
- Supervised Release: 5 years
- Forfeiture of Real Property

ADAMS was sentenced in connection with his guilty plea to manufacturing 100 or more marijuana plants and possession with the intent to distribute 100 or more marijuana plants.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On September 2, 2003, personnel from the State of Montana, Department of Natural Resources and Conservation, while flying in a helicopter over the mountains near Wolf Creek to close out a fire lookout tower, observed what appeared to be a marijuana garden in the forest.

A digital photograph was taken and the sighting was reported to local law enforcement

officers affiliated with the Helena High Intensity Drug Trafficking Task Force (HIDTA).

A subsequent helicopter flight by members of the HIDTA Task Force confirmed the existence of an outdoor marijuana garden. The area where the marijuana was growing was believed by the officers at that time to be on public land.

The helicopter landed nearby and the officers disembarked and proceeded to the area of the growing marijuana. As they approached the growing marijuana site, they heard the sounds of an all-terrain vehicle and observed a lone male departing from one of the fenced cultivation areas. The male, aboard the ATV, drove toward the investigators. Several marijuana plants were observed on the back rack of the ATV. The operator was stopped, detained, placed in handcuffs, and subsequently identified as ADAMS.

As the officers were concerned that the cultivation may have occurred on private land, a group of officers departed to obtain a search warrant. However, while those officers were en route, ADAMS admitted involvement by voluntarily pointing out where growing and uprooted marijuana could be located. ADAMS then gave the officers written permission to search the premises and confessed to planting the marijuana.

A subsequent search of the premises resulted in the location of a number of cultivation sites, equipment associated with the cultivation of marijuana, and over 100 growing marijuana plants.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that ADAMS will likely serve **all** of the time imposed by the court. In the federal system, ADAMS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was a cooperative effort between the Missouri River Drug Task Force, the Helena High Intensity Drug Trafficking Area (HIDTA) Task Force, and the Drug Enforcement Administration.

KAYLEEN ALDEN

KAYLEEN ALDEN, a 33-year-old resident of Crow Agency, was sentenced to a term of:

- Prison: 36 months
- Special Assessment: \$100
- Supervised Release: 5½ years

ALDEN was sentenced in connection with her guilty plea to conspiracy to possess with the intent to distribute more than 50 grams of pure methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following: From about September 15, 2001, until April 14, 2002, in Billings and other areas, ALDEN and Duane Ellsworth Lafferty, conspired and agreed to possess with the intent to distribute more than 50 grams of pure methamphetamine.

During the period of the conspiracy and on November 18, 2001, ALDEN and Lafferty distributed 21.8 grams of pure methamphetamine to an undercover special agent.

Also, during the period of the conspiracy and on December 3, 2001, ALDEN and Lafferty distributed 49.4 grams of pure methamphetamine to an undercover special agent.

Lafferty pled guilty to and been sentenced on federal drug charges.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that ALDEN will likely serve **all** of the time imposed by the court. In the federal system, ALDEN does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the City-County Special Investigation Unit in Billings.

BURTON CHANTA ALLEN

BURTON CHANTA ALLEN was sentenced to a term of:

- Prison: 136 months

ALLEN was re-sentenced after his original sentence was appealed to the Ninth Circuit Court of Appeals. The sentence was reversed and remanded back to U.S. District Court for re-sentencing.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that ALLEN will likely serve **all** of the time imposed by the court. In the federal system, ALLEN does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted this case for the United States.

WILLIE ALLEN

WILLIE ALLEN, a 48-year-old resident of Billings, was sentenced to a term of:

- Prison: 162 months, consecutive to another sentence in Washington
- Special Assessment: \$1,200
- Supervised Release: 8 years

ALLEN was sentenced in connection with his guilty plea to ten counts of distribution of cocaine and/or methamphetamine and two counts of using a communication device in furtherance of a drug trafficking crime.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

The FBI and the Billings Big Sky Safe Streets Task Force were making controlled buys of controlled substances in Billings.

On January 26, 2005, ALLEN sold 13.2 grams of 85% methamphetamine, or 11.2 grams of pure methamphetamine, commonly referred to as “ice”, to an undercover agent. Taped phone conversations of ALLEN setting up the purchase of methamphetamine as well as recordings obtained from body wires worn by a confidential informant being told by ALLEN to deliver the methamphetamine to the undercover agent would have been presented at trial.

A DEA forensic chemist would have testified as to the weight and purity of the purchase and that methamphetamine is a Schedule II controlled substance.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that ALLEN will likely serve **all** of the time imposed by the court. In the federal system, ALLEN does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation, the Drug Enforcement Administration, the Montana Division of Criminal Investigation, and the Billings Big Sky Safe Streets Task Force.

DONALD H. ANDERSON

DONALD H. ANDERSON, a 37-year-old resident of Williston, North Dakota, was sentenced to a term of:

- Prison: 80 months

- Special Assessment: \$100
- Supervised Release: 3 years

ANDERSON was re-sentenced after his original sentence was appealed to the Ninth Circuit Court of Appeals. The sentence was reversed and remanded back to U.S. District Court for re-sentencing.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that ANDERSON will likely serve **all** of the time imposed by the court. In the federal system, ANDERSON does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted this case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Fort Peck Criminal Investigations Unit.

JOSE ARIAS-VALDEZ

JOSE ARIAS-VALDEZ, age 24, was sentenced to a term of:

- Prison: 262 months - Count I; 240 months - Count II; to run concurrent
- Special Assessment: \$200
- Supervised Release: 10 years

ARIAS-VALDEZ was sentenced in connection with his guilty plea to conspiracy to distribute methamphetamine and illegal re-entry of a deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on June 18, 2005, law enforcement officers conducted surveillance at the residence of one of ARIAS-VALDEZ’S co-defendants, Robert William Roper, a documented drug trafficker. Two Hispanic males were observed at Roper’s residence. They left the residence in a white vehicle. The Beaverhead County Sheriff’s Office was contacted and alerted to be on the lookout for the white vehicle.

An agent with the Bureau of Immigration and Customs Enforcement (ICE) observed and followed the vehicle. An officer with the Beaverhead County Sheriff’s Office initiated a traffic stop. Upon questioning, both the driver, co-defendant Heriberto Aceves-Velasquez, and ARIAS-VALDEZ confirmed they were in the United States illegally and they were arrested.

ARIAS-VALDEZ and Aceves-Velasquez drove a vehicle that contained three pounds of methamphetamine which they delivered to Roper. Roper paid them \$25,000 for the drugs and ARIAS-VALDEZ and Aceves-Velasquez transported the money back to a

person in Salt Lake City. The individual paid ARIAS-VALDEZ \$1,500 for delivering the drugs. ARIAS-VALDEZ and Aceves-Velasquez received another car from the supplier which contained one pound of methamphetamine and 15 pounds of marijuana. They transported the drugs to Roper's residence.

Roper and Aceves-Velasquez pled guilty to federal drug charges and have been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that ARIAS-VALDEZ will likely serve **all** of the time imposed by the court. In the federal system, ARIAS-VALDEZ does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Retired Assistant U.S. Attorney Bernard F. Hubley and Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Immigration and Customs Enforcement and the Southwest Drug Task Force.

BRIAN E. BARKER

BRIAN E. BARKER, a 46-year-old resident of Great Falls, was sentenced to a term of:

- Prison: life
- Special Assessment: \$200
- Supervised Release: 10 years

BARKER was sentenced after having been found guilty during a 1-day trial of possession with intent to distribute methamphetamine and distribution of methamphetamine.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BARKER will likely serve **all** of the time imposed by the court. In the federal system, BARKER does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was a cooperative effort between the Montana Department of Criminal Investigation and the Drug Enforcement Administration.

LARAE ROXANN BARRAGAN

LARAE ROXANN BARRAGAN, a 39-year old resident of Helena, was sentenced in

connection with her guilty plea to distribution of methamphetamine in a school zone to a term of:

- Prison: 27 months
- Special Assessment: \$100
- Supervised Release: 6 years

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In approximately September of 2005, the Missouri River Drug Task Force began an investigation of Jorge Arturo Barragan-Arteaga, LARAE BARRAGAN, Larry Fred Gallegos, Liza Louise Larue, and Tara Hillary Weller for distributing methamphetamine in Helena and Townsend.

On September 7, 2005, a confidential informant purchased approximately one-half gram of purported methamphetamine from Gallegos. Gallegos instructed the informant to give the money for the methamphetamine to Larue. The purported methamphetamine was subsequently subjected to a chemical analysis and revealed the presence of methamphetamine.

During a time period which included October 18, 2005, Barragan-Arteaga and LARAE BARRAGAN lived in apartment located in the Stuart Home Public Housing Complex. The residence is located within 1,000 feet of Helena High School.

On October 18, 2005, a confidential informant went to the residence and purchased approximately one gram of purported methamphetamine from Barragan-Arteaga for \$160. Barragan-Arteaga was arrested and law enforcement officers searched the residence. Small amounts of methamphetamine, marijuana, and drug paraphernalia were recovered from the residence.

On October 20, 2005, Barragan-Arteaga was interviewed and stated that Gallegos had made at least nine trips to California from May to October of 2005 to transport methamphetamine back to Montana. Barragan-Arteaga stated that Gallegos brought four to eight ounces of methamphetamine to Montana on each trip and distributed the methamphetamine to Barragan-Arteaga, Larue, and others for redistribution.

On October 20, 2005, LARAE BARRAGAN was interviewed and stated that on May 12, 2005, she, Barragan-Arteaga, and Weller traveled to California where Barragan-Arteaga obtained three "eight-balls" of methamphetamine. LARAE BARRAGAN admitted that upon their return from California, Weller sold methamphetamine on behalf of Barragan-Arteaga and LARAE BARRAGAN.

Two other individuals would have testified that between March of 2005 and October 18, 2005, Larue had provided them with methamphetamine.

A confidential informant would have testified about purchases of methamphetamine from Weller on three occasions in September of 2005, and that two of the purchases occurred within 1,000 feet of Helena High School.

Weller admitted that between April 2005, to October 18, 2005, Barragan-Arteaga distributed methamphetamine to her from his residence located in the Stuart Home Public Housing Complex.

Barragan-Arteaga pled guilty to federal charges and is awaiting sentencing.

Gallegos, Larue and Weller pled guilty and were sentenced on federal drug charges.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that LARAE BARRAGAN will likely serve **all** of the time imposed by the court. In the federal system LARAE BARRAGAN does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Missouri River Drug Task Force.

JOSE LUIS BECERRA-ESCATTEL

JOSE LUIS BECERRA-ESCATTEL, a 29-year-old resident of Washington and Mexico, was sentenced to a term of:

- Prison: 150 months (12½ years)
- Special Assessment: \$100
- Restitution: \$4,763.14
- Supervised Release: 5 years

BECCERRA-ESCATTEL was sentenced in connection with his guilty plea to conspiracy to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

That in September of 2005, the Central Montana Drug Task Force (CMDTF) received information from a reliable confidential source that an individual was selling methamphetamine. The source provided the CMDTF the individual’s cell phone number.

On October 5, 2005, an undercover agent met with this individual and an unidentified Hispanic male in a parking lot in Great Falls. During the meeting, the individual sold an

ounce of methamphetamine to the undercover agent for \$1,100. The agent indicated during this transaction that he might be willing to purchase an additional 8 ounces (½ pound) at a future time.

Surveillance identified the car in which the individual and the companion had arrived in as a rental car. Investigation into the vehicle determined that it had been rented in Billings and was currently rented to JOSE BECERRA. The undercover agent identified both the individual and BECERRA-ESCATTEL from their driver's license photographs.

On October 11, 2005, the undercover agent next met with the individual and BECERRA-ESCATTEL at another parking lot in Great Falls. During that transaction, BECERRA-ESCATTEL showed the agent a plastic container that held several bags of a white powdery substance represented to be the 8 ounces of methamphetamine. Upon a signal, agents surrounded the vehicle and arrested BECERRA-ESCATTEL and the other individual.

A plastic container with approximately 7 ounces of a substance which field tested positive for the presence of methamphetamine, a small digital scale, packaging material, and the rental agreement in the name of JOSE BECERRA were found in the rental car. Also found was an additional 25 grams of methamphetamine in the driver's side door.

The substances seized in this case were sent to the DEA Drug Laboratory and tested positive for methamphetamine. The methamphetamine had an actual weight, due to purity, of 95.5 grams.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BECERRA-ESCATTEL will likely serve **all** of the time imposed by the court. In the federal system, BECERRA-ESCATTEL does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between Immigration and Customs Enforcement and the Central Montana Drug Task Force.

ROY ALLEN BIANCHI

ROY ALLEN BIANCHI, a 42-year-old resident of Yakima, Washington, was sentenced to a term of:

- Prison: 117 months
- Special Assessment: \$200
- Supervised Release: 5 years

BIANCHI was sentenced in connection with his guilty plea to conspiracy to distribute methamphetamine and possession of a firearm in furtherance of a drug trafficking crime.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 17, 2004, BIANCHI and two other individuals were stopped by a law enforcement officer for a traffic violation near Bozeman. BIANCHI was driving the vehicle and a records check revealed that the State of Washington had revoked his driver's license.

All three occupants were questioned about the nature of their business in Bozeman and each provided inconsistent information concerning their relationship to each other, when and how they arrived in Bozeman, and for what reasons.

The law enforcement officer, a K-9 officer, conducted a canine sniff and his trained K-9 alerted to the presence of controlled substances in the vehicle's driver's side front door and passenger side rear door. Based on the inconsistent information provided by the passengers and the response of the trained K-9 to the sweep of the vehicle, the officer placed BIANCHI under arrest for operating on a suspended license and impounded the vehicle pending the application for a search warrant.

Members of the Missouri River Drug Task Force obtained a search warrant for the vehicle and also obtained a search warrant for two motel rooms in Bozeman which were registered in BIANCHI'S name. In the first room officers found a duffel bag containing 224.5 grams of methamphetamine, a digital scale, and a Walther P-22 handgun. Also recovered from the room was a notice to vacate a residence in Prosser, Washington, in BIANCHI's name.

In the second room, officers found a number of items of drug paraphernalia, as well as a luggage tag bearing BIANCHI'S name and the same address in Prosser, Washington.

On November 21, 2005, BIANCHI turned himself in to a DEA Agent in Yakima, Washington. He consented to a post-arrest interview and admitted his involvement in the conspiracy with two other individuals. He identified one of the individuals as the source of the methamphetamine and stated that he was involved in the delivery of three pounds of methamphetamine to the Bozeman area, including the 224.5 grams seized from the motel room on August 17, 2004. BIANCHI then provided specific information about the nature of the deliveries and the identities of the recipients of the methamphetamine.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BIANCHI will likely serve **all** of the time imposed by the court. In the federal system, BIANCHI does have the opportunity to earn a sentence reduction for

“good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the Missouri River Drug Task Force.

BROOKE MARIE BIBLER

BROOKE MARIE BIBLER, an 18-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 80 months
- Special Assessment: \$100
- Supervised Release: 5 years

BIBLER was sentenced in connection with her guilty plea to conspiracy to possess with intent to distribute more than 50 grams of actual methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In September of 2005, the Great Falls Police Department and Immigration and Customs Enforcement were investigating a local theft.

As part of that investigation, they executed a search warrant in Great Falls and during the search, methamphetamine, currency, a firearm and drug paraphernalia were recovered. BIBLER, Ricky Blackbird and Patti Fetherston Dana, were arrested.

Upon her arrest, BIBLER provided a statement to law enforcement officers stating that she was Blackbird’s girlfriend and that she knew he was a drug dealer. She also stated that she had assisted him in counting the proceeds of his drug transactions.

The methamphetamine seized in this case was tested at the DEA Laboratory in San Francisco and tested positive as methamphetamine, with a purity of 97% and a net weight of 119.9 grams.

Blackbird was found guilty after a 2-day trial. Dana pled guilty. Both individuals have been sentenced.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that BIBLER will likely serve **all** of the time imposed by the court. In the federal system, BIBLER does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement in Great Falls.

DONALD ALAN BIGBY

DONALD ALAN BIGBY, a 49-year-old resident of Harlem, was sentenced to a term of:

- Prison: 12 months
- Special Assessment: \$100
- Forfeiture: \$9,872.00
- Supervised Release: 3 years

BIGBY was sentenced in connection with his guilty plea to conspiracy to possess cocaine with the intent to distribute.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

That on April 19, 2005, a concerned citizen advised Toole County Deputy Sheriff Jeff Jergins that an individual had stated that he was expecting some “pure driven snow” to be delivered to a local establishment, between 2:00 and 2:30 p.m. on April 20, 2005. Based on his training and experience, Deputy Jergins knew that “snow” is a slang term for cocaine.

On April 20, 2005, upon investigation, law enforcement officers learned that cocaine and marijuana were delivered by a driver of a red van bearing Montana license plates. Toole County officers were notified of the van’s description and license plate number.

Ultimately, Toole County Deputy Sheriff Patrick Kellegher stopped the red van on U.S. Highway 2. BIGBY was the driver of the van and was taken into custody. He eventually consented to a search of the van. Approximately 25 grams of cocaine, a Schedule II controlled substance, and one half pound of marijuana were recovered from the vehicle. Also recovered from the vehicle was \$9,872.00 in United States currency.

On May 2, 2005, BIGBY was interviewed. He stated that approximately one and one-half years ago he was introduced to an individual who supplied him with cocaine and marijuana for distribution. BIGBY stated that he, in turn, distributed cocaine and marijuana to others in Toole and Liberty Counties.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that BIGBY will likely serve **all** of the time imposed by the court. In the federal system, BIGBY does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Bureau of Indian Affairs.

BRUCE BISSONNETTE

BRUCE BISSONNETTE, a 40-year-old resident of Great Falls, was sentenced in connection with his guilty plea to maintaining a drug-involved premises to a term of:

- Prison: 137 months
- Special Assessment: \$100
- Supervised Release: 3 years

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on September 6, 2005, an undercover operation commenced during which time law enforcement officers developed information that Kaylee Henry and BISSONNETTE had traveled to California for the purpose of transporting others and methamphetamine from California to Montana.

After acquiring the methamphetamine from a source of supply in Santa Rosa, California, Henry and BISSONNETTE, along with two Hispanic males, began driving to Great Falls with the methamphetamine.

A confidential informant (CI) contacted the source of supply in Santa Rosa, California, who confirmed that Henry was driving her associates from California to Great Falls. The CI subsequently received a call from the California source of supply who told the CI that the group from California was 70 miles outside of Great Falls.

Henry's vehicle was subsequently observed arriving at her house in Great Falls and the occupants of the vehicle were observed entering the house.

The California source of supply subsequently contacted the CI and arrangements were made for the CI to meet the two Hispanic males and exchange \$10,000 for a pound of methamphetamine.

Surveillance documented the CI arriving at the rear parking lot of the Cartwheel Bar; the meeting between the two Hispanic males; and the exchange of the money by the CI for the methamphetamine supplied by the two Hispanic males.

Surveillance documented the return of the two Hispanic males to the Henry residence.

The two Hispanic males, later identified as Jose Mendoza and Jose Huerta, were subsequently arrested as they departed from the residence and the \$10,000 exchanged for the methamphetamine was recovered.

A search warrant was subsequently executed at Henry's residence which was occupied

by Henry and BISSONNETTE, and an additional quantity of methamphetamine was recovered.

The methamphetamine recovered during the buy and the methamphetamine recovered pursuant to execution of the search warrant exceeded 500 grams of a mixture or substance containing methamphetamine.

On September 7, 2005, Henry was interviewed after being advised of her rights and admitted being a drug dealer who until recently dealt in small amounts of methamphetamine. She admitted that she, accompanied by BISSONNETTE, traveled to California on this occasion for the purpose of obtaining methamphetamine, and, upon arrival in California, her source of supply asked them to drive co-defendants Jose Mendoza and Jose Huerta back to Great Falls.

BISSONNETTE was an occupant of Henry's residence in Great Falls on September 7, 2005, and before, he aided and abetted Henry, and others, in maintaining the residence at which time the premises was made available for the purpose of using, storing, and/or distributing a controlled substance, including methamphetamine.

Henry, Huerta and Mendoza have pled guilty and been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BISSONNETTE will likely serve **all** of the time imposed by the court. In the federal system, BISSONNETTE does have the opportunity to earn sentence reductions for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Retired Assistant U.S. Attorney Bernard F. Hubley and Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Great Falls Police Department.

RICKY LOREN BLACKBIRD

RICKY LOREN BLACKBIRD, a 34-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 300 months, consecutive to another sentence
- Special Assessment: \$600
- Supervised Release: 10 years
- Forfeiture: 9mm handgun

BLACKBIRD was sentenced after having been found guilty during a 2-day trial of possession with the intent to distribute methamphetamine, conspiracy to distribute

methamphetamine, and possession of a firearm during a drug-trafficking crime.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that BLACKBIRD will likely serve **all** of the time imposed by the court. In the federal system, BLACKBIRD does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Immigration and Customs Enforcement and the Great Falls Police Department.

SHARI WHITE BREMNER

SHARI WHITE BREMNER, a 43-year-old resident of Browning, appeared for sentencing in connection with her guilty plea to distribution of cocaine within 1000 feet of a public school.

BREMNER was sentenced to a term of:

- Prison: 6 months
- Special Assessment: \$100
- Supervised Release: 6 years

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On June 1, 2004, BREMNER lived at a residence located in a housing project known as Easter Egg Homes in Glacier County and the residence was located within 1000 feet of a public school.

On June 1, 2004, a confidential informant went to the BREMNER residence to make a controlled purchase of cocaine. The informant entered the BREMNER residence and gave \$250 to SHARI BREMNER in exchange for a substance purported to be cocaine.

The confidential informant gave the purported cocaine to Glacier County Deputy Sheriff Maurice Red Horn who submitted the purported cocaine to the Montana Department of Justice Forensic Science Division for chemical analysis.

A FSD forensic chemist would testify that she weighed and performed a chemical analysis of the purported cocaine and that the substance weighed .95 grams and in fact contained cocaine, a Schedule II controlled substance.

Because there is no parole in the federal system, the “truth in sentencing” guidelines

mandate that BREMNER will likely serve **all** of the time imposed by the court. In the federal system, BREMNER does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation, the Bureau of Indian Affairs, the Glacier County Sheriff’s Office, and the Toole County Sheriff’s Office.

WESLEY PAUL BREMNER

WESLEY PAUL BREMNER, a 47-year-old resident of Browning, appeared for sentencing in connection with his guilty plea to distribution of cocaine within 1000 feet of a public school.

BREMNER was sentenced to a term of:

- Community Confinement: 6 months, with 90 days home arrest
- Special Assessment: \$100
- Supervised Release: 6 years

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On June 1, 2004, BREMNER lived at a residence located in a housing project known as Easter Egg Homes in Glacier County and the residence was located within 1000 feet of a public school.

On June 25, 2004, a confidential informant went to the BREMNER residence to make a controlled purchase of cocaine. The informant entered the BREMNER residence and gave \$125 to WESLEY BREMNER in exchange for a substance purported to be cocaine.

The confidential informant gave the purported cocaine to Glacier County Deputy Sheriff Maurice Red Horn and Toole County Deputy Sheriff Jeff Jergins.

The purported cocaine was submitted to the Montana Department of Justice Forensic Science Division for chemical analysis. A FSD forensic chemist would testify that she weighed and performed a chemical analysis of the purported cocaine and that the substance weighed .50 grams and in fact contained cocaine, a Schedule II controlled substance.

Because there is no parole in the federal system, the “truth in sentencing” guidelines

mandate that BREMNER will likely serve **all** of the time imposed by the court. In the federal system, BREMNER does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation, the Bureau of Indian Affairs, the Glacier County Sheriff’s Office, and the Toole County Sheriff’s Office.

AMANDA JEAN BROTHERS

AMANDA JEAN BROTHERS, a 24-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 135 months
- Special Assessment: \$100
- Supervised Release: 5 years

BROTHERS was sentenced in connection with her guilty plea to aiding and abetting the distribution of methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

in June of 2003, law enforcement agents intercepted a package containing methamphetamine. The woman to whom the package was sent was arrested and agreed to cooperate with law enforcement. She told the agents the name of the individual who had sent the package and that she still owed him for the methamphetamine. She also agreed to make monitored calls to arrange payment.

Ultimately, arrangements were made for her to meet the individual in Butte to pay for the drugs. Law enforcement officers took her to Butte, where the individual and BROTHERS met her to receive the money. BROTHERS and the individual were arrested.

BROTHERS was questioned after her arrest and admitted helping to pack the drugs.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that BROTHERS will likely serve **all** of the time imposed by the court. In the federal system, BROTHERS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United

States.

The investigation was a cooperative effort between the HIDTA Task Force and the Bureau of Immigration and Customs Enforcement.

AMY BUTIKOFER

AMY BUTIKOFER, a 48-year-old resident of Idaho Falls, Idaho, was sentenced to a term of:

- Prison: 30 months
- Special Assessment: \$100
- Supervised Release: 8 years

BUTIKOFER was sentenced in connection with her guilty plea to possession with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on July 23, 2005, a Montana Highway Patrol officer stopped BUTIKOFER'S vehicle in Madison County. The officer stopped the vehicle because it did not have a front license plate. When the officer approached the car, he noticed a front license plate displayed on the dashboard, but it did not match the rear license plate. The officer questioned the occupants of the car. He became suspicious due to the presence of a butane torch and air freshener in the car and because the passengers gave inconsistent answers to his questions. BUTIKOFER consented to a search of the car.

Inside the car, officers found a variety of items of drug paraphernalia, mostly of the type used to consume methamphetamine or marijuana. Officers also located a locked, zippered bank bag. BUTIKOFER admitted the bag was hers but said she did not have a key and it contained only papers. BUTIKOFER consented to a search of the bag and the officers found approximately 168 grams of methamphetamine inside. The purity of the drug was approximately 97%. Between the total weight and the purity, there were more than 50 grams of pure methamphetamine.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BUTIKOFER will likely serve **all** of the time imposed by the court. In the federal system, BUTIKOFER does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement

Administration, the Missoula High Intensity Drug Trafficking Area Drug Task Force and the Montana Highway Patrol.

MARK BUTLER

MARK BUTLER, a 42-year-old resident of Billings, was sentenced to a term of:

- Prison: 120 months
- Special Assessment: \$100
- Supervised Release: 8 years

BUTLER was sentenced in connection with his guilty plea to possession with the intent to distribute over 5 grams of pure methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On April 23, 2004, law enforcement conducted a search on a residence in Billings and thereafter arranged for a purchase of methamphetamine from BUTLER.

A cooperating witness set the arrangements up by phone. BUTLER agreed in a recorded phone call to distribute the methamphetamine to the cooperating witness. At the designated time and place, BUTLER appeared. Officers apprehended BUTLER who had the previously hidden methamphetamine in his pocket.

A forensic chemist with the Drug Enforcement Administration would have testified that the amount seized was 68.5 grams of methamphetamine, a Schedule II controlled substance, and that the pure or actual methamphetamine present was 39 grams.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that BUTLER will likely serve **all** of the time imposed by the court. In the federal system, BUTLER does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the City-County Special Investigation Unit in Billings and the Montana Department of Criminal Investigation.

LESLIE ANN CALDWELL

LESLIE ANN CALDWELL, a 41-year-old resident of Billings, was sentenced to a term of:

- Prison: 37 months
- Special Assessment: \$100
- Supervised Release: 4 years

CALDWELL was sentenced in connection with her guilty plea to possession with the intent to distribute over five grams of cocaine base.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

During May and June of 2005, CALDWELL lived in Billings and was involved with numerous drug traffickers.

CALDWELL allowed these individuals to store and distribute cocaine in the form of cocaine base (generally referred to on the street as crack cocaine or “rock”) from her home. The amount of cocaine base involved during this period exceeded 5 grams.

Undercover law enforcement officers obtained crack cocaine through controlled buys on May 19, 2005, and June 1, 2005, in which various individuals either purchased or distributed crack cocaine that CALDWELL had stored at her duplex.

A DEA forensic chemist would have testified that cocaine base is a Schedule II controlled substance and that the substances purchased on May 19 and June 1, 2005, were crack cocaine.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that CALDWELL will likely serve **all** of the time imposed by the court. In the federal system, CALDWELL does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Billings Big Sky Safe Streets Task Force.

DAVID TORO CHASE

DAVID TORO CHASE, a 34-year-old resident of Missoula, was sentenced to a term of:

- Prison: 78 months on Counts I & III, 120 months on Count II,
- Sentences to run consecutively
- Special Assessment: \$300
- Restitution: \$16,195.71
- Supervised Release: 3 years

CHASE was re-sentenced after his original sentence was appealed to the Ninth Circuit Court of Appeals. The sentence was reversed and remanded back to U.S. District Court for re-sentencing.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that CHASE will likely serve **all** of the time imposed by the court. In the federal system, CHASE does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted this case for the United States.

CONG THANH CHAU

CONG THANH CHAU, a resident of Seattle, Washington, was sentenced to a term of:

- Prison: 24 months
- Special Assessment: \$100
- Supervised Release: 2 years

CHAU was sentenced in connection with his guilty plea to possession with the intent to distribute marijuana.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On June 29, 2004, the Montana Highway Patrol stopped a vehicle near Glendive. The driver of the vehicle was CHAU.

Pursuant to a search warrant, the trunk of the vehicle was searched and two black trash bags containing 30 individual heat-sealed bags containing suspected marijuana were seized.

A forensic chemist would have testified that the bags contained 13.35 kilograms of marijuana, a Schedule I controlled substance.

A DEA fingerprint expert would have testified that three latent prints found on three of the heat-sealed bags belonged to CHAU.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that CHAU will likely serve **all** of the time imposed by the court. In the federal system, CHAU does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, the Dawson County Sheriff’s Office, the Montana Highway Patrol, and the Montana Department of Criminal Investigation.

ROLAND HANK COBELL

ROLAND HANK COBELL, a 32-year-old resident of Browning, was sentenced to a term of:

- Prison: 21 months
- Special Assessment: \$100
- Supervised Release: 6 years

COBELL was sentenced in connection with his guilty plea to distribution of a controlled substance.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on August 12, 2003, a confidential informant, (CI), worked in conjunction with members of the Blackfeet Safe Trails Task Force to purchase controlled substances. The CI met with COBELL at a location in Glacier County. COBELL sold the CI approximately one-half gram of purported methamphetamine in exchange for \$50.00.

A Drug Enforcement Administration chemist conducted a chemical analysis of the purported methamphetamine and it was in fact methamphetamine.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that COBELL will likely serve **all** of the time imposed by the court. In the federal system, COBELL does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

LUIS MANUEL CORREA

LUIS MANUEL CORREA, a 38-year-old resident of Spokane, Washington, was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$100
- Supervised Release: 4 years

CORREA was sentenced in connection with his guilty plea to conspiracy to manufacture more than 50 grams of a mixture or substance containing a detectable amount of methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that, from an unknown date believed to be about four months prior to November 30, 2001, up to and including November 30, 2001, in or near Billings and other areas, CORREA and other persons conspired and agreed to manufacture more than 50 grams of a mixture or substance containing a detectable amount of methamphetamine, or did aid and abet in conspiring to manufacture more than 50 grams of a mixture or substance containing a detectable amount of methamphetamine.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that CORREA will likely serve **all** of the time imposed by the court. In the federal system, CORREA does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the City-County Special Investigation Unit located in Billings, the Drug Enforcement Administration, the Montana Division of Criminal Investigation, and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

PATTI FETHERSTON DANA

PATTI FETHERSTON DANA, a 47-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$100
- Supervised Release: 10 years

DANA was sentenced in connection with her guilty plea to conspiracy to possess with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In September of 2005, the Great Falls Police Department and the Bureau of Immigration and Customs Enforcement were investigating a local theft. As part of that investigation, they executed a search warrant on a residence in Great Falls. During the search, methamphetamine, currency, a firearm and drug paraphernalia were recovered. DANA, Brooke Bibler and Ricky Loren Blackbird were arrested.

Upon her arrest, DANA was interviewed and stated to law enforcement officers that the residence was hers and Bibler and Blackbird had been living in the basement of the residence for approximately two months.

In lieu of rent, Blackbird was paying DANA with methamphetamine and Bibler had also provided DANA with methamphetamine.

The methamphetamine seized in this case was tested at the DEA Laboratory in San Francisco and tested positive as methamphetamine, with a purity of 97% and a net weight of 119.9 grams.

Bibler has pled guilty and her sentencing is set for June 5, 2006. Blackbird was found guilty after a jury trial and has been sentenced.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that DANA will likely serve **all** of the time imposed by the court. In the federal system, DANA does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Immigration and Customs Enforcement and the Great Falls Police Department.

DALE ALLEN DAVIDSON

DALE ALLEN DAVIDSON, a 45-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 300 months
- Special Assessment: \$200
- Supervised Release: 5 years

DAVIDSON was sentenced in connection with his guilty plea to possession with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On October 17, 2005, agents with the Central Montana Drug Task Force (CMDTF) met with a confidential informant (CI). The informant advised the agents of recently seeing methamphetamine, firearms, and marijuana in DAVIDSON'S apartment in Great Falls. The CI had previously purchased methamphetamine from DAVIDSON. The CI agreed to make a controlled purchase from DAVIDSON'S residence the following day.

On October 18, 2005, the CI met with agents from the CMDTF and DCI. The agents equipped the CI with a body wire recording device. At approximately 3:00 p.m., the CI went to DAVIDSON'S residence but he was not there. The CI then called DAVIDSON on his cell phone. DAVIDSON agreed to meet the CI at DAVIDSON'S home at approximately 7:00 p.m. Shortly after 7:00 p.m., the CI, still wearing the body wire, entered DAVIDSON'S residence.

A conversation ensued between the CI and DAVIDSON. An agent monitored the conversation, during which he recognized the voice of DAVIDSON speaking to the CI. Several minutes later, the CI emerged from the residence and met with the agents.

The CI gave the officers a package containing one quarter ounce of methamphetamine. The CI stated that DAVIDSON sold the methamphetamine to the CI for \$500. The CI stated that the transaction took place in a bedroom in the presence of another male and a female. The CI said that DAVIDSON produced the methamphetamine from a canister containing several baggies of methamphetamine. The CI said DAVIDSON measured the one-quarter ounce of methamphetamine with a small scale.

While waiting to obtain the search warrant, agents maintained surveillance of the apartment. As they waited, officers saw a man leave the apartment building. They detained the man who stated that he was going to run an errand for DAVIDSON and was supposed to return to the apartment building shortly. Fearful that DAVIDSON might become suspicious if the man did not return as scheduled, and concerned that DAVIDSON might begin to destroy evidence in the apartment, the agents decided to secure the apartment and DAVIDSON until the agent returned with the search warrant.

Several agents went to DAVIDSON'S apartment. An agent knocked on the door which was answered by a female. The agent heard DAVIDSON in a bedroom talking on a telephone and took him into custody. DAVIDSON was arrested, and after being advised that a search warrant was being obtained, consented to a search of his apartment. Two ounces of methamphetamine were located in the apartment. A further search revealed methamphetamine, marijuana, firearms, and other items of evidence or contraband.

DAVIDSON was interviewed and admitted he was selling methamphetamine from his residence. He also admitted he was in possession of illegal firearms.

The methamphetamine seized in this case tested positive at the Drug Enforcement Laboratory in San Francisco, California, and had a net weight of 246.2 grams, with an actual weight due to purity (97-98%) of 240.4 grams.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that DAVIDSON will likely serve **all** of the time imposed by the court. In the federal system, DAVIDSON does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

ROSE BROCK DAVIS

ROSE BROCK DAVIS, a 36-year-old resident of Sweet Home, Oregon, was sentenced to a term of:

- Prison: 32 months
- Special Assessment: \$400
- Restitution: \$16,317.33
- Supervised Release: 3 years

DAVIS was sentenced in connection with her guilty plea to conspiracy to manufacture methamphetamine, wire fraud, and aggravated identity theft.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On October 15, 2005, DAVIS and another individual checked into a room at a motel in Missoula.

On October 18, 2005, a housekeeper at the motel entered the room to service it and observed a white powdery substance on the bathroom vanity, computer equipment, and identification cards. The housekeeper contacted the manager who went into the room and discovered a computer, printer, several photo identification cards, photocopies of social security cards, a laminating machine, laminating material, a microwave, and a white powder on the bathroom vanity. The manager deactivated the electronic room key which the occupants needed to gain access and contacted the Missoula Police Department.

In the early morning of October 19, 2005, DAVIS entered the motel lobby and requested a room key for that room. The night manager did not give DAVIS a room key and DAVIS left the motel. The night manager observed that DAVIS was accompanied

by a male who remained in a vehicle outside the motel. The night manager also noted the license plate number on the vehicle, as well as the vehicle type, and contacted the Missoula Police Department.

DAVIS and the other individual were subsequently stopped by Missoula police officers in the vehicle described by the night manager. During a search of DAVIS at the time of the stop, police officers found two syringes on her person.

During a search of the vehicle, officers recovered boxes and plastic bags containing cold tablets. Officers also found balloons, beakers, jars, other containers of substances, and a clear bottle containing a liquid. The officers would have testified that a strong chemical odor emanated from the trunk which caused their eyes to burn.

Laboratory tests that were conducted on the items found in the vehicle and in the motel room found that in containers recovered from the vehicle, one contained iodine and another phosphorous. Additional test results confirmed that samples of materials found during the search of the vehicle contained pseudoephedrine and methamphetamine.

Testimony would have shown that one commonly used method for the manufacture of methamphetamine involved reacting ephedrine or pseudoephedrine with phosphorous and iodine. Testimony would also have shown that the finding of iodine, phosphorous and pseudoephedrine, along with methamphetamine itself, is consistent with the illegal manufacture of methamphetamine.

During a search of motel room, officers recovered a computer, printer, laminating equipment, laminating materials, microwave, photocopied identification cards, blank identification cards, cut paper, cut plastic, several 8 x 10 plastic sheets, blank checks, filled out checks, copies of social security cards, and multiple forms of identification.

Also recovered were approximately sixty false identification cards in various stages of production and information pertaining to the identities of twelve individuals. False identification cards found in the motel room included several copies of a Montana driver's license in the name of *Kelly Newman* with DAVIS' photograph on it.

Ten counterfeit checks written from an account purportedly held by *Kelly Newman* on which the signature of *Kelly Newman* had been forged were also recovered. In addition, two counterfeit payroll checks that had been cashed at Wal-Mart were recovered. On the back of each check was the forged signature of *Kelly Newman*.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that DAVIS will likely serve **all** of the time imposed by the court. In the federal system, DAVIS does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the U.S. Secret Service and the Missoula Police Department.

JENNIFER LYNN DEVEREAUX

JENNIFER LYNN DEVEREAUX, a 33-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 240 months
- Supervised Release: 10 years

DEVEREAUX was sentenced after having been found guilty during a 2-day trial of conspiracy to possess with the intent to distribute methamphetamine and possession with the intent to distribute methamphetamine.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that DEVEREAUX will likely serve **all** of the time imposed by the court. In the federal system, DEVEREAUX does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

BRIAN DONNELLY

BRIAN DONNELLY, a 45-year-old resident of Miles City, was sentenced to a term of:

- Probation: 2 years
- Special Assessment: \$100

DONNELLY was sentenced in connection with his guilty plea to possession with the intent to distribute marijuana.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Between early 2001 and early 2005, DONNELLY aided and assisted another individual in possessing with the intent to distribute over 2.5 kilograms, but less than 5 kilograms, of marijuana in Miles City.

A forensic chemist would have testified that marijuana is a Schedule I controlled

substance.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that DONNELLY will likely serve **all** of the time imposed by the court. In the federal system, DONNELLY does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration and the Montana Department of Criminal Investigation.

COREY FAIRCHILD

COREY FAIRCHILD, a 23-year-old resident of Rupert, Idaho, was sentenced to a term of:

- Prison: 120 months for each of the 2 counts, sentences to run concurrently
- Special Assessment: \$200
- Supervised Release: 8 years

FAIRCHILD was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on July 23, 2005, the Montana Highway Patrol stopped Amy Butikofer’s vehicle in Madison County. The car was stopped because it did not have a front license plate. When the officer approached the car he noticed that it had a license plate displayed on the dashboard, but that it did not match the rear license plate. The officer began questioning FAIRCHILD and the other occupants of the car. The officer became suspicious due to the presence of a butane torch and air freshener in the car, and because the passengers gave inconsistent answers to his questions. Butikofer consented to a search of the car.

Inside the car, officers found a variety of items of drug paraphernalia, mostly of the type used to consume methamphetamine or marijuana. Officers also located a locked, zippered bank bag. Butikofer admitted the bag was hers but said she did not have a key and it contained only papers. By its feel the officers knew it contained more than papers. Butikofer consented to a search of the bag and inside officers found approximately 168 grams of methamphetamine. The substance was later tested and found to be methamphetamine. Moreover, the purity of the drug was approximately 97%. Between the total weight and the purity, there were more than 50 grams of pure methamphetamine.

Butikofer was later questioned and admitted that she was giving her passengers a ride to Seeley Lake, so that FAIRCHILD could make a delivery of methamphetamine. By checking the numbers on FAIRCHILD'S cell phone, agents were able to identify the person to whom FAIRCHILD was to deliver the methamphetamine. That person admitted he was expecting FAIRCHILD to deliver methamphetamine to him when FAIRCHILD was arrested. He also admitted he had received methamphetamine from FAIRCHILD for some time.

Butikofer pled guilty to federal drug charges and has been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that FAIRCHILD will likely serve **all** of the time imposed by the court. In the federal system, FAIRCHILD does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, the Missoula High Intensity Drug Trafficking Area Drug Task, and the Montana Highway Patrol.

HILARIA MARGARITA FERNANDEZ

HILARIA MARGARITA FERNANDEZ, age 39, was sentenced in connection with her guilty plea to conspiracy to possess with intent to distribute and possession with intent to distribute marijuana to a term of:

- Prison: 60 months
- Special Assessment: \$100
- Supervised Release: 4 years

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that between an unknown date in 1997 through August of 2000, co-defendant Alberto Padilla-Castro and FERNANDEZ agreed, along with other co-conspirators to obtain marijuana for redistribution. The marijuana was obtained from Mexico and other locations by Padilla-Castro and FERNANDEZ. The marijuana was delivered to co-conspirators who brought the marijuana to Montana for redistribution.

Multiple pound loads of marijuana ranging from 30 to 130 pounds each were obtained from Padilla-Castro and FERNANDEZ.

FERNANDEZ assisted in collecting profits for the marijuana. She also obtained navigation equipment and walkie talkies for use in getting marijuana across the Mexican - United States border into Arizona for redistribution in Montana.

More than 100 kilograms of marijuana was involved in the conspiracy.

Padilla-Castro pled guilty and has been sentenced.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that FERNANDEZ and Padilla-Castro will likely serve **all** of the time imposed by the court. In the federal system, FERNANDEZ and Padilla-Castro do have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted this case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, the United States Border Patrol, and the Montana Division of Criminal Investigation.

CLARENCE LINDSAY FOSTER

CLARENCE LINDSAY FOSTER, a 41-year-old resident of Billings, was sentenced to a term of:

- Prison: 121 months
- Special Assessment: \$100
- Supervised Release: 4 years

FOSTER was sentenced after having been found guilty during a 1½ day trial of conspiracy to distribute methamphetamine.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that FOSTER will likely serve **all** of the time imposed by the court. In the federal system, FOSTER does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Anna S. Peckham prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Tri-Agency Safe Trails Task Force.

CRAIG WILLIAM FRAZIER

CRAIG WILLIAM FRAZIER, a 39-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 480 months, consecutive to a state sentence
- Special Assessment: \$200

- Supervised Release: 8 years

FRAZIER was sentenced after having been found guilty during a 2-day trial of conspiracy to distribute marijuana and possession with the intent to distribute marijuana.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that FRAZIER will likely serve **all** of the time imposed by the court. In the federal system, FRAZIER does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Immigration and Customs Enforcement and the Central Montana Drug Task Force.

DANIELLE FROST

DANIELLE FROST, a 21-year-old resident of Billings, was sentenced to a term of:

- Prison: 24 months
- Special Assessment: \$100
- Supervised Release: 3 years

FROST was sentenced after having been found guilty of providing a house to use, store or distribute methamphetamine during a 4-day trial in November, 2005.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that FROST will likely serve **all** of the time imposed by the court. In the federal system, FROST does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Jim Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the City-County Special Investigation Unit located in Billings.

LARRY FRED GALLEGOS

LARRY FRED GALLEGOS, a 59-year old resident of Helena, was sentenced in connection with his guilty plea to possession with the intent to distribute methamphetamine to a term of:

- Prison: 120 months

- Special Assessment: \$100
- Supervised Release: 10 years

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In approximately September of 2005, the Missouri River Drug Task Force began an investigation of Jorge Arturo Barragan-Arteaga, Larae Barragan, GALLEGOS, Liza Louise Larue, and Tara Hillary Weller for distributing methamphetamine in Helena and Townsend.

On September 7, 2005, a confidential informant purchased approximately one-half gram of purported methamphetamine from GALLEGOS. GALLEGOS instructed the informant to give the money for the methamphetamine to Larue. The purported methamphetamine was subsequently subjected to a chemical analysis and revealed the presence of methamphetamine.

During a time period which included October 18, 2005, Barragan-Arteaga and Larae Barragan lived in apartment located in the Stuart Home Public Housing Complex. The residence is located within 1,000 feet of Helena High School.

On October 18, 2005, a confidential informant went to the residence and purchased approximately one gram of purported methamphetamine from Barragan-Arteaga for \$160. Barragan-Arteaga was arrested and law enforcement officers searched the residence. Small amounts of methamphetamine, marijuana, and drug paraphernalia were recovered from the residence.

On October 20, 2005, Barragan-Arteaga was interviewed and stated that GALLEGOS had made at least nine trips to California from May to October of 2005 to transport methamphetamine back to Montana. Barragan-Arteaga stated that GALLEGOS brought four to eight ounces of methamphetamine to Montana on each trip and distributed the methamphetamine to Barragan-Arteaga, Larue, and others for redistribution.

On October 20, 2005, Larae Barragan was interviewed and stated that on May 12, 2005, she, Barragan-Arteaga, and Weller traveled to California where Barragan-Arteaga obtained three "eight-balls" of methamphetamine. Larae Barragan admitted that upon their return from California, Weller sold methamphetamine on behalf of Barragan-Arteaga and Larae Barragan.

Two other individuals would have testified that between March of 2005 and October 18, 2005, Larue had provided them with methamphetamine.

A confidential informant would have testified about purchases of methamphetamine

from Weller on three occasions in September of 2005, and that two of the purchases occurred within 1,000 feet of Helena High School.

Weller admitted that between April 2005, to October 18, 2005, Barragan-Arteaga distributed methamphetamine to her from his residence located in the Stuart Home Public Housing Complex.

Barragan-Arteaga, Larae Barragan, Larue and Weller pled guilty and were sentenced on federal drug charges.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that GALLEGOS will likely serve **all** of the time imposed by the court. In the federal system GALLEGOS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Missouri River Drug Task Force.

NANCY STOMBERG GEE

NANCY STOMBERG GEE, a 56-year-old resident of Stevensville, was sentenced to a term of:

- Prison: 120 months
- Special Assessment: \$300
- Supervised Release: 5 years

GEE was sentenced in connection with her guilty plea to two counts of conspiracy to possess methamphetamine with the intent to distribute and to distribution of over 500 grams of methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On or about March 2005, to September 7, 2005, there was a conspiracy between GEE, Perla Icela Cuevas Lugo, and Connie Oster to possess and distribute methamphetamine.

An informant with the Great Falls Police Department would have testified that on August 29, 2005, the informant began negotiating with Lugo, who lived in California, in order to obtain methamphetamine to distribute in Great Falls.

On August 31, 2005, Lugo told the informant that she was preparing to drive from

California to Great Falls with one pound of methamphetamine which she intended to deliver to the informant.

On September 6, 2005, Lugo told the informant that another individual was driving some of Lugo's associates from California to Great Falls. Lugo stated that she wanted the informant to engage in methamphetamine trafficking with one of the associates.

On September 7, 2005, the informant met with two of the Lugo's associates. The informant paid one of the associates \$10,000 in exchange for one pound of methamphetamine as part of a controlled purchase of the drug. The informant gave the methamphetamine to law enforcement officers following the purchase.

Law enforcement officers tested the substance and learned it was positive for methamphetamine and weighed 464.5 grams.

On September 7, 2005, law enforcement agents searched a Great Falls residence and recovered twelve one-ounce packages of a substance which tested positive for methamphetamine.

Later on September 7, 2005, a Great Falls police detective contacted Lugo and pretended to be one of the associates. The detective told Lugo he had the \$10,000 from the drug sale and a pound of methamphetamine. Lugo stated her friend "Nancy" would meet the detective and pick up the money and drugs.

Shortly after speaking with Lugo, the detective received two telephone calls from "Nancy." She stated she was dealing for Lugo and that she would meet the detective in Great Falls in order to take custody of the money and drugs. The detective later learned "Nancy" was NANCY GEE.

On September 19, 2005, Oster was interviewed and stated that GEE had introduced her to Lugo.

In March 2005, GEE and Lugo delivered at least three ounces of methamphetamine to Oster for distribution.

In May or June 2005, GEE and Lugo drove in GEE'S truck to Great Falls, where Lugo delivered eight ounces (224 grams) of methamphetamine to Oster. GEE oversaw the sale of the last two ounces of methamphetamine, took the proceeds from the sale, and deposited the money into a bank account.

Lugo and Oster pled guilty to federal drug charges and have been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that GEE will likely serve **all** of the time imposed by the court. In the federal

system, GEE does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

ROGELIO GOMEZ-CANO

ROGELIO GOMEZ-CANO, a resident of Mexico, was sentenced in connection with his guilty plea to conspiracy to distribute methamphetamine. GOMEZ-CANO was sentenced to a term of:

- Prison: 120 months
- Special Assessment: \$100
- Supervised Release: 5 years

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that in May of 2005, an agent with the Montana Division of Criminal Investigation made controlled buys of methamphetamine in Kalispell from a female individual. While trying to arrange further buys from this individual, the agent called the individual's cell phone. A male speaking heavily accented English answered the phone and explained that the individual was in jail and asked the agent what he wanted. The agent replied that he wanted “four,” and the male said he could help, but that he did not want to talk on the phone. The agent told the male he would get his money together and meet him in Kalispell.

On May 23, 2005, the agent met GOMEZ-CANO and Rosales-Rosales in a parking lot in Kalispell. After speaking with the two men, the agent agreed to follow them to another location. He followed them to a road near the Kalispell airport. GOMEZ-CANO got out of the pickup near some mailboxes and Rosales-Rosales kept driving. The agent followed Rosales-Rosales a short distance and then pulled up along side and rolled down his window. Rosales-Rosales rolled down his window and told the agent to go back to GOMEZ-CANO, which the agent did.

Back at the mailboxes, GOMEZ-CANO got into the agent's car and the two negotiated the sale of 4 ounces of methamphetamine from GOMEZ-CANO to the agent for \$5,800. GOMEZ-CANO then gave one ounce of methamphetamine to the agent and directed him to drive further up the road for the rest. They turned a corner and GOMEZ-CANO directed the agent to stop the car. The agent did so and GOMEZ-CANO got out and went into the bushes. He came back with a white plastic bag that contained the rest of the methamphetamine. They drove back to the mailboxes where GOMEZ-CANO got out of the agent's car and got back into the white pickup with Rosales-Rosales. Other agents observed from a distance and listened to the entire transaction on a hidden microphone.

The agents sent the suspected methamphetamine to the DEA lab in San Francisco where it was tested. It was methamphetamine and weighed approximately 110 grams.

On May 26, 2005, the agent again met GOMEZ-CANO in order to purchase methamphetamine. This time the purchase occurred in a hotel in Missoula and the amount of methamphetamine was approximately 7 ounces. Agents arrested GOMEZ-CANO, and proceeded to the room where they arrested Rosales-Rosales.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that GOMEZ-CANO will likely serve **all** of the time imposed by the court. In the federal system, Gomez-Cano do have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted this case for the United States.

The investigation was conducted by the Montana Department of Criminal Investigation.

ROBERT WILLIE GREEN

ROBERT WILLIE GREEN, age 31, was sentenced to a term of:

- Prison: 280 months
- Special Assessment: \$600
- Supervised Release: 5 years

GREEN was sentenced after having been found guilty during a 4-day trial of conspiracy to possess with the intent to distribute methamphetamine; distribution of methamphetamine; and the use or possession of firearms in furtherance of a drug-trafficking crime.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that GREEN will likely serve **all** of the time imposed by the court. In the federal system, GREEN does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted this case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the City-County Special Investigation Unit located in Billings.

KYLE DEAN GRIFFIN

KYLE DEAN GRIFFIN, a 40-year-old resident of Shelby, was sentenced to a term of:

- Probation: 2 years
- Special Assessment: \$25
- Fine: \$2,500

GRIFFIN was sentenced in connection with his guilty plea to attempted possession of cocaine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on April 19, 2005, GRIFFIN approached a confidential informant and stated he intended to receive some cocaine and marijuana the following day, but was unable to take control of the shipment personally. The confidential informant agreed to take possession of cocaine.

On April 20, 2005, Liberty County Undersheriff Doug Riggin learned from the confidential informant that he had taken possession of the drugs. The confidential informant explained that he had just received the drugs from an individual driving a red van.

Law enforcement officers stopped the red van, which was driven by another individual. The van contained marijuana and cocaine.

At the request of law enforcement officers, the confidential informant then contacted GRIFFIN, stating that his cocaine had arrived. GRIFFIN then met with the confidential informant and took possession of what the confidential informant purported was 1/16 of an ounce of cocaine. GRIFFIN was arrested following his receipt of the purported cocaine.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that GRIFFIN will likely serve **all** of the time imposed by the court. In the federal system, GRIFFIN does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

INEZ GUITTEREZ

INEZ GUITTEREZ, a resident of Sacramento, California, was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$100

- Supervised Release: 5 years

GUITTEREZ was sentenced in connection with her guilty plea to conspiracy to possess with the intent to distribute over 5 grams pure methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that from on or about an unknown date in 2002, up to and including August 7, 2003, that GUITTEREZ, Raymond Martinez and Dawn Stillman did knowingly and unlawfully conspire, combine, confederate, and agree to possess with intent to distribute over 5 grams pure methamphetamine, a Schedule II controlled substance.

During the period of the conspiracy, co-defendants Martinez and Stillman, who lived in Broadus, ordered methamphetamine from GUTIERREZ out of Sacramento, California.

GUTIERREZ supplied “teeners,” 1/4 ounce, and 1/2 ounce quantities of methamphetamine, to Martinez and Stillman for redistribution by several means, including via the U.S. Postal Service.

Martinez and Stillman then sent Western Union or MoneyGrams in payment for the methamphetamine received from GUTIERREZ.

On August 7, 2003, the DEA seized 26.2 grams of 94% pure methamphetamine or 24.6 grams actual and 1.7 grams of 73% pure methamphetamine or 1.24 grams actual.

The United States would prove that Gutierrez was involved with between 350-500 grams of a mixture or substance containing a detectible amount of methamphetamine.

Stillman and Martinez pled guilty to federal charges and have been sentenced.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that GUITTEREZ will likely serve **all** of the time imposed by the court. In the federal system, GUITTEREZ does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, the United States Postal Service, the Powder River Sheriff’s Office, and the Montana Department of Criminal Investigation.

ARTHUR J. HALSE

ARTHUR J. HALSE, a 24-year-old resident of Butte, was sentenced to a term of:

- Prison: 118 months

- Special Assessment: \$100
- Supervised Release: 5 years

HALSE was sentenced in connection with his guilty plea to conspiracy to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On multiple occasions in 2003 and 2004, HALSE delivered pound quantities of methamphetamine to individuals in Butte.

Several of the deliveries were witnessed by co-conspirators who received portions of the methamphetamine from HALSE which they then re-delivered around western Montana.

The Montana dealers delivered the proceeds of sales back to HALSE by depositing those proceeds in a Wells Fargo Bank account established and maintained by HALSE. Bank records, including still pictures taken from bank surveillance videos, would show that HALSE was the person who opened the account and continued to make withdrawals from the account. Hundreds of thousands of dollars passed through the account in this manner.

When arrested, HALSE admitted his involvement in the conspiracy. He also admitted he had delivered or received money for more than 50 pounds of methamphetamine.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that HALSE will likely serve **all** of the time imposed by the court. In the federal system, HALSE does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

RONNY LYNN HATHAWAY

RONNY LYNN HATHAWAY, a 42-year-old resident of Salt Lake City, Utah, was sentenced to a term of:

- Prison: 104 months
- Special Assessment: \$ 100.00
- Supervised Release: 10 years

HATHAWAY was sentenced in connection with his guilty plea to conspiracy to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that from approximately February 2005, through June 18, 2005, in Butte and other areas, multiple defendants, including HATHAWAY, conspired to possess with the intent to distribute and to distribute controlled substances. This included at least 500 grams of a mixture or substance containing a detectable amount of methamphetamine and various quantities of marijuana.

During the period of the conspiracy, and specifically beginning in approximately February 2005, and periodically thereafter until mid-June 2005, HATHAWAY aided and abetted by a co-conspirator, transported pound quantities of methamphetamine to Montana, specifically Butte.

HATHAWAY was arrested and was subsequently interviewed on June 20, 2005. He advised he had known the supplier for the last five to six months, having met the person in February 2005. They met when HATHAWAY accompanied another individual who made a delivery of two pounds of methamphetamine to the co-conspirator.

HATHAWAY admitted he made at least two additional deliveries of methamphetamine of two pounds each, for a total of four pounds, which occurred after February 2005. HATHAWAY was paid \$1,000 per pound for each delivery. He further admitted he transported the proceeds of the drug sales back to Salt Lake City, Utah.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that HATHAWAY will likely serve **all** of the time imposed by the court. In the federal system, HATHAWAY does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Retired Assistant U.S. Attorney Bernard F. Hubley and Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Immigration and Customs Enforcement and the Southwest Montana Drug Task Force.

CELESTINE CATHERINE HENDRICKSON

CELESTINE CATHERINE HENDRICKSON, a 37-year-old resident of Billings, was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$100
- Supervised Release: 4 years

HENDRICKSON was sentenced in connection with her guilty plea to distribution of methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On June 4, 2003, law enforcement agents listened and recorded a call as a confidential informant made arrangements to purchase approximately 1/4 ounce of methamphetamine from HENDRICKSON. The informant and HENDRICKSON made arrangements to meet at the Red Lobster parking lot in Billings.

The agents accompanied the informant to the parking lot and witnessed HENDRICKSON provide the methamphetamine directly to the informant.

Later the same evening, the informant called HENDRICKSON again to purchase more methamphetamine, this time 3/4 of an ounce. The agents listened and recorded this conversation also. HENDRICKSON and the informant made arrangements to meet at the Silver Dollar Casino parking lot in Billings. At the parking lot, agents observed as HENDRICKSON handed the informant the methamphetamine.

The substances from both purchases were sent to a DEA lab for testing. The first transaction contained 5 grams of pure methamphetamine in 6.9 grams of a substance containing methamphetamine; the second transaction contained 14.5 grams of pure methamphetamine in 20.1 grams of a substance containing methamphetamine.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that HENDRICKSON will likely serve **all** of the time imposed by the court. In the federal system, HENDRICKSON does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, the Montana Department of Criminal Investigation, the Border Patrol, the Billings Police Department, and the Yellowstone County Sheriff’s Office.

KAYLEE HENRY

KAYLEE HENRY, a 46-year-old resident of Great Falls, was sentenced in connection with her guilty plea to conspiracy to possess with intent to distribute methamphetamine and maintaining a drug-involved premises to a term of:

- Prison: 120 months

- Special Assessment: \$100
- Supervised Release: 5 years
- Forfeiture: house in Great Falls

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on September 6, 2005, an undercover operation commenced during which time law enforcement officers developed information that HENRY and Bruce Bissonnette had traveled to California for the purpose of transporting others and methamphetamine from California to Montana.

After acquiring the methamphetamine from a source of supply in Santa Rosa, California, HENRY and Bissonnette, along with two Hispanic males, began driving to Great Falls with the methamphetamine.

A confidential informant (CI) contacted the source of supply in Santa Rosa, California, who confirmed that HENRY was driving her associates from California to Great Falls. The CI subsequently received a call from the California source of supply who told the CI that the group from California was 70 miles outside of Great Falls.

HENRY'S vehicle was subsequently observed arriving at her house in Great Falls and the occupants of the vehicle were observed entering the house.

The California source of supply subsequently contacted the CI and arrangements were made for the CI to meet the two Hispanic males and exchange \$10,000 for a pound of methamphetamine.

Surveillance documented the CI arriving at the rear parking lot of the Cartwheel Bar; the meeting between the two Hispanic males, and the exchange of the money by the CI for the methamphetamine supplied by the two Hispanic males.

Surveillance documented the return of the two Hispanic males to the HENRY residence.

The two Hispanic males, later identified as co-defendants Lugo Mendoza and Jose Huerta, were subsequently arrested as they departed from the residence and the \$10,000 exchanged for the methamphetamine was recovered.

A search warrant was subsequently executed at HENRY'S residence which was occupied by HENRY and Bissonnette, and an additional quantity of methamphetamine was recovered.

The methamphetamine recovered during the buy and the methamphetamine recovered pursuant to execution of the search warrant exceeded 500 grams of a mixture or substance containing methamphetamine.

On September 7, 2005, HENRY was interviewed after being advised of her rights and

admitted being a drug dealer who until recently dealt in small amounts of methamphetamine. She admitted that she, accompanied by Bissonnette, traveled to California on this occasion for the purpose of obtaining methamphetamine, and, upon arrival in California, her source of supply asked them to drive Mendoza and Huerta back to Great Falls.

Bissonnette was an occupant of HENRY'S residence in Great Falls on September 7, 2005, and before, he aided and abetted HENRY, and others, in maintaining the residence at which time the premises was made available for the purpose of using, storing, and/or distributing a controlled substance, including methamphetamine.

Bissonnette, Huerta, and Mendoza have pled guilty and been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that HENRY will likely serve **all** of the time imposed by the court. In the federal system HENRY does have the opportunity to earn sentence reductions for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Retired Assistant U.S. Attorney Bernard F. Hubley and Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Great Falls Police Department.

NOE HINOJOSA

NOE HINOJOSA, a 29-year-old resident of Zillah, Washington, was sentenced to a term of:

- Prison: 120 months
- Special Assessment: \$100
- Supervised Release: 8 years

HINOJOSA was sentenced in connection with his guilty plea to conspiracy to distribute methamphetamine and marijuana.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In the fall of 2004, Robert William Roper began receiving multiple pounds of methamphetamine and marijuana for distribution in and around Butte and other places. HINOJOSA was one of several suppliers Roper utilized to obtain the drugs.

Roper had a prior existing relationship with HINOJOSA and had helped HINOJOSA obtain employment with a business in Butte. Under the guise of his employment,

HINOJOSA would travel from Washington to Montana, usually via Greyhound bus, to deliver methamphetamine to Roper.

HINOJOSA also arranged for the shipment of marijuana from individuals in Mission, Texas to Roper or other individuals in Butte. The total amount of methamphetamine delivered by HINOJOSA exceeded 50 grams and the total amount of marijuana shipped was approximately 60 pounds (less than 50 kilograms).

Witnesses would have testified to HINOJOSA'S involvement in the conspiracy regarding the number of trips HINOJOSA made to Montana to deliver methamphetamine; the arrangements HINOJOSA made to facilitate the shipment of marijuana; the amount of drugs provided; the negotiated prices; and the method of payment employed to complete the transactions.

The government would have also introduced into evidence Western Union money orders from Roper's associates to either HINOJOSA or his associates, in Mission, Texas and elsewhere, and testimony that those transfers were intended as payment for drugs.

Roper pled guilty to federal charges and has been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that HINOJOSA will likely serve **all** of the time imposed by the court. In the federal system, HINOJOSA does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

THOMAS HOLIDAY

THOMAS HOLIDAY, age 63, was sentenced to a term of:

- Prison: 151 months
- Special Assessment: \$300
- Supervised Release: 6 years

HOLIDAY was sentenced in connection with his guilty plea to distribution of methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

The FBI and the Billings Big Sky Safe Streets Task Force were making controlled buys of controlled substances.

On July 29, 2004, HOLIDAY sold .24 grams of methamphetamine to an undercover

agent in Billings.

On November 10, 2004, HOLIDAY sold 2.4 grams of 67% methamphetamine, with a theoretical pure or actual amount of methamphetamine of 1.60 grams, to an undercover agent.

On November 18, 2004, HOLIDAY sold 3.4 grams of 58% methamphetamine, with a theoretical pure or actual amount of methamphetamine of 1.90 grams, to an undercover agent.

Audio tapes of the controlled buys were made and would have been presented at trial.

A DEA forensic chemist would have testified that methamphetamine is a Schedule II controlled substance and as to the weight and purity of each of the purchases.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that HOLIDAY will likely serve **all** of the time imposed by the court. In the federal system, HOLIDAY does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Billings Big Sky Safe Streets Task Force.

TERRY HOLT

TERRY HOLT, a 51-year-old resident of the Yukon Territory in Canada, was sentenced to a term of:

- Prison: 135 months
- Special Assessment: \$300
- Supervised Release: 5 years

HOLT was sentenced in connection with his guilty plea to possession with the intent to distribute cocaine, valium and ketamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Shortly before 7:00 a.m. on February 4, 2006, on Interstate 90 near Superior, HOLT’S vehicle was pulled over by a Montana Highway Patrol officer.

After HOLT consented to a search of his vehicle, the officer recovered approximately 30 kilograms of cocaine (85% pure), 8,878 tablets of diazepam (valium), and thousands of bottles of liquid ketamine.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that HOLT will likely serve **all** of the time imposed by the court. In the federal system, HOLT does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration and the Montana Highway Patrol.

JOSE HUERTA

JOSE HUERTA, a 26-year-old resident of Mexico and California, was sentenced to a term of:

- Prison: 240 months
- Special Assessment: \$100
- Supervised Release: 10 years

HUERTA was sentenced in connection with his guilty plea to conspiracy to possess with intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on September 6, 2005, an undercover operation commenced, during which time law enforcement officers developed information that Kaylee Henry and Bruce Bissonette had traveled to California for the purpose of transporting others and methamphetamine from California to Montana.

After acquiring the methamphetamine from a source of supply in Santa Rosa, California, Henry and Bissonette, along with two Hispanic males, began driving to Great Falls with the methamphetamine.

A confidential informant (CI) contacted the source of supply in Santa Rosa, California, who confirmed that Henry was driving her associates from California to Great Falls. The CI subsequently received a call from the California source of supply who told the CI that the group from California was 70 miles outside of Great Falls.

Henry’s vehicle was subsequently observed arriving at her house in Great Falls and the occupants of the vehicle were observed entering the house.

The California source of supply subsequently contacted the CI and arrangements were made for the CI to meet the two Hispanic males and exchange \$10,000 for a pound of methamphetamine.

Surveillance documented the CI arriving at the rear parking lot of the Cartwheel Bar; the

meeting between the two Hispanic males, and the exchange of the money by the CI for the methamphetamine supplied by the two Hispanic males.

Surveillance documented the return of the two Hispanic males to the Henry residence.

The two Hispanic males, later identified as Lugo Mendoza and HUERTA, were subsequently arrested as they departed from the residence and the \$10,000.00 exchanged for the methamphetamine was recovered.

A search warrant was subsequently executed at Henry's residence which was occupied by Henry and Bissonette, and an additional quantity of methamphetamine was recovered.

The methamphetamine recovered during the buy and the methamphetamine recovered pursuant to execution of the search warrant exceeded 500 grams of a mixture or substance containing methamphetamine.

On September 7, 2005, Henry was interviewed after being advised of her rights and admitted being a drug dealer who until recently dealt in small amounts of methamphetamine. She admitted that she, accompanied by Bissonette, traveled to California on this occasion for the purpose of obtaining methamphetamine, and, upon arrival in California, her source of supply asked them to drive Lugo Mendoza and HUERTA back to Great Falls.

Bissonette, Henry, and Mendoza pled guilty and all three have been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that HUERTA will likely serve **all** of the time imposed by the court. In the federal system, HUERTA does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Retired Assistant U.S. Attorney Bernard F. Hubley and Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Great Falls Police Department.

GARY WILLIAM HUFFMAN

GARY WILLIAM HUFFMAN, age 59, was sentenced to a term of:

- Prison: life
- Special Assessment: \$ 300
- Supervised Release: life

HUFFMAN was sentenced after having been found guilty during a 2-day trial in Butte of possession with the intent to distribute methamphetamine, possession with the intent to distribute marijuana, and distribution of methamphetamine to a person under 21.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that HUFFMAN will likely serve **all** of the time imposed by the court. In the federal system, HUFFMAN does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Southwest Montana Drug Task Force and the Bureau of Immigration and Customs Enforcement.

SAMUEL IRELAND

SAMUEL IRELAND, a 23-year-old resident of Florida, was sentenced to a term of:

- Prison: 156 months
- Special Assessment: \$1,200
- Supervised Release: 5 years

IRELAND was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute over 500 grams of methamphetamine; distribution of methamphetamine; conspiracy to conduct financial transactions involving the proceeds from distribution of methamphetamine; and using a communication facility to facilitate the distribution of methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

IRELAND and several co-conspirators traveled from Brentwood, California to Billings, by automobile and by commercial airline, on numerous occasions transporting methamphetamine and/or U.S. currency. IRELAND and his co-conspirators then used a network of associates to distribute an array of methamphetamine throughout Billings.

IRELAND was the primary contact point in Billings and IRELAND and another co-conspirator maintained “stash houses” and moved the methamphetamine from location to location. IRELAND and others sent thousands of dollars via Western Union between California and Billings and also used Federal Express to send drug proceeds to California.

On January 14, 2005, a confidential source purchased 6.5 grams of methamphetamine from IRELAND. The methamphetamine was analyzed by the DEA's Western Region Laboratory and it was 82 percent pure, or 5.3 grams of methamphetamine.

On January 18, 2005, a confidential source purchased 6.8 grams of methamphetamine from IRELAND. The methamphetamine was analyzed by the DEA's Western Region Laboratory and it was 42 percent pure, or 2.8 grams of methamphetamine.

On February 25, 2005, a confidential source purchased 13.7 grams of methamphetamine from IRELAND. The methamphetamine was analyzed by the DEA's Western Region Laboratory and it was 36 percent pure, or 4.9 grams of methamphetamine.

On March 15, 2005, an undercover agent purchased 28.2 grams of methamphetamine from IRELAND. The methamphetamine was analyzed by the DEA's Western Region Laboratory and it was 39 percent pure, or 10.9 grams of methamphetamine.

On April 8, 2005, IRELAND, using an alias, sent a Federal Express package with U.S. currency, which represented drug proceeds, from Billings to California.

The total amount of methamphetamine in the conspiracy was between 1.5 and 5 kilograms.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that IRELAND will likely serve **all** of the time imposed by the court. In the federal system, IRELAND does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, the Bureau of Immigration and Customs Enforcement, the Montana Department of Criminal Investigation and the High Intensity Drug Trafficking Area (HIDTA) Task Force.

ERIC JOSHUA JACOBSON

ERIC JOSHUA JACOBSON, a 25-year-old resident of Missoula, was sentenced to a term of:

- Prison: 132 months
- Special Assessment: \$100

- Supervised Release: 10 years

JACOBSON was sentenced in connection with his guilty plea to distribution of a controlled substance resulting in death.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On or about March 20, 2005, in Missoula, JACOBSON distributed a controlled substance, Oxycodone, to an individual, who died from the use of that substance.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that JACOBSON will likely serve **all** of the time imposed by the court. In the federal system, JACOBSON does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Retired Assistant U.S. Attorney Bernard F. Hubley and Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was a cooperative effort between the Missoula Police Department and the Drug Enforcement Administration.

JOHN FREDERICK JAEGER

JOHN FREDERICK JAEGER, 44-year-old resident of Butte, was sentenced to a term of:

- Prison: 324 months
- Special Assessment: \$400
- Supervised Release: 6 years

JAEGER was sentenced after having been found guilty during a 2-day trial of conspiracy to distribute methamphetamine; distribution of methamphetamine; distribution of methamphetamine to a minor and being a felon-in-possession of a firearm.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that JAEGER will likely serve **all** of the time imposed by the court. In the federal system, JAEGER does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Immigration and

Customs Enforcement and the Southwest Montana Drug Task Force.

JULIA KAY JAEGER

JULIA KAY JAEGER, a 39-year-old resident of Butte, was sentenced to a term of:

- Prison: 30 months
- Special Assessment: \$100
- Supervised Release: 5 years

JAEGER was sentenced in connection with her guilty plea to conspiracy to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

A group of methamphetamine dealers from California made connections around the Butte and Missoula areas for the purpose of selling methamphetamine.

Generally, a member of the group traveled to Butte to drop off methamphetamine for resale in and around Butte. A number of individuals in Butte helped to sell the methamphetamine and paid for it by depositing money in local branches of Wells Fargo Bank, to accounts established and maintained by the California drug organization in California.

Witnesses would have testified that JAEGER was among those who helped sell drugs and deposited money. Bank surveillance cameras captured JAEGER making a deposit of just over \$5,000. The bank account in question received over \$100,000 in cash deposits. Witnesses would have also testified that the captured deposit was only one of several, and that the amount of methamphetamine represented by the deposits JAEGER made, or the amount of methamphetamine she sold, was in excess of 50 grams.

When arrested, JAEGER admitted to being part of the organization, to selling methamphetamine, and to depositing the proceeds of drug sales in Wells Fargo Bank accounts on several occasions in amounts of between two and five thousand dollars.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that JAEGER will likely serve **all** of the time imposed by the court. In the federal system, JAEGER does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Immigration and Customs Enforcement and the Southwest Montana Drug Task Force.

BRENT EDWARD JOHNSON

BRENT EDWARD JOHNSON, a 31-year-old resident of Butte, was sentenced to a term of:

- Prison: 120 months
- Special Assessment: \$600
- Supervised Release: 8 years

JOHNSON was sentenced in connection with his guilty plea to four counts of distribution of methamphetamine; possession with the intent to distribute methamphetamine; being a felon-in-possession of a firearm; and possession of a firearm by an unlawful drug user.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

From June 19, 2002, through August 5, 2002, undercover law enforcement officers purchased the following amounts of pure methamphetamine from JOHNSON in Billings.

June 19, 2002 – 4.8 grams
June 27, 2002 – 10.2 grams
July 15, 2002 – 3.2 grams
August 5, 2002 – 9.6 grams

On September 12, 2002, a probation search was conducted at JOHNSON'S residence in Billings. JOHNSON was on state probation following a felony drug conviction in Billings for criminal possession of dangerous drugs. Seized during the search of the residence and JOHNSON'S vehicle were various amounts of methamphetamine, including 1.6 grams of pure methamphetamine, 29.7 grams of pure methamphetamine and 4.5 grams of pure methamphetamine. Also recovered during the search was a Ruger Blackhawk .357 Magnum, which JOHNSON admitted he possessed.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that JOHNSON will likely serve **all** of the time imposed by the court. In the federal system, JOHNSON does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

JOMINIQUE JEROME JOHNSON

JOMINIQUE JEROME JOHNSON, a 26-year-old resident of Houston, Texas, was sentenced to a term of:

- Prison: 71 months
- Special Assessment: \$200
- Supervised Release: 5 years

JOHNSON was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute cocaine and distribution of cocaine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On November 18, 2005, a Great Falls based multi-agency narcotics investigation culminated in a buy-bust transaction. Allegations against two members of the Red Horse Squadron at Malmstrom Air Force Base, Kellen Johnson and Dwain Rouse, also included the unlawful purchase and exportation of firearms, and the distribution of counterfeit currency. This operation resulted in the arrest of JOMINIQUE JOHNSON, Kellen Johnson, Dwain Rouse and another individual for trafficking cocaine.

On September 12, 2005, a Great Falls police report was filed alleging that an individual was passing counterfeit \$50 bills. This individual was confronted and questioned.

On September 22, 2005, this individual provided information that he was involved with Kellen Johnson and Rouse, who were providing him cocaine. He also admitted his role in passing counterfeit \$50 bills which he had obtained from Rouse.

On October 4, 2005, this individual made a controlled purchase of approximately 16.3 grams of cocaine from Kellen Johnson.

The following day, on October 5, 2005, this individual made a second controlled purchase of approximately 15.9 grams of cocaine from Kellen Johnson. A portion of the cocaine was "fronted", meaning that he was given the cocaine by Kellen Johnson for re-sale and then full payment would follow.

On October 14, 2005, this individual met with Kellen Johnson and paid \$600 for the cocaine fronted on October 5, 2005.

On October 18, 2005, the individual made a controlled purchase of approximately 15.7 grams of cocaine from Kellen Johnson. The total cocaine received from Kellen Johnson, at this point, was approximately 47.9 grams for which the individual paid Kellen Johnson \$2,200.

On October 30, 2005, the individual contacted a Great Falls police detective to advise that he had received a phone call from Kellen Johnson's drug supplier in Houston, Texas, who identified himself as 'Whoa', later identified as JOMINIQUE JOHNSON. JOMINIQUE JOHNSON advised the individual that he was taking over the distribution network for Kellen Johnson, and wanted to know how much cocaine the individual wanted him to bring into town during a trip that would ultimately occur in early November.

On November 1, 2005, a monitored call was placed to JOMINIQUE JOHNSON to complete the plan for his arrival on November 2, 2005. The individual ordered 10 grams from JOMINIQUE JOHNSON whereupon JOHNSON advised that 'they' planned to bring "a lot more than 10 grams."

On or before November 8, 2005, JOMINIQUE JOHNSON canceled his trip due to bad weather, and advised that he sent 7 ounces of cocaine to Kellen Johnson. The individual advised the Great Falls Police Department that he had been receiving calls from Kellen Johnson, who wanted to sell the 7 ounces of cocaine.

On November 9, 2005, the individual made a controlled call to JOMINIQUE JOHNSON asking about the 7 ounces of cocaine and JOMINIQUE'S plans to travel to Great Falls. JOMINIQUE indicated that he needed money for the 7 ounces in order to travel to Great Falls and would bring '2 bricks' of cocaine (presumed to be 2 kilos).

On November 14, 2005, another controlled purchase of cocaine was made from Kellen Johnson. The individual paid Kellen Johnson \$5,950 for 7 ounces of cocaine and advised Kellen that his money was coming from an out-of-town trucker. An undercover DEA agent later posed as the "trucker" to further negotiations with Kellen and JOMINIQUE JOHNSON.

On November 15, 2005, Rouse made a wire transfer in the amount of \$5,950.00 to JOMINIQUE JOHNSON.

On November 18, 2005, JOMINIQUE JOHNSON and another co-defendant arrived in Great Falls at a pre-negotiated location, where they delivered approximately 1½ pounds of cocaine to undercover DEA agents. They were in a car bearing a Texas license plate. JOMINIQUE JOHNSON left the vehicle to deliver the cocaine to the DEA agents in the parking lot, while the co-defendant remained in the driver's seat. JOMINIQUE JOHNSON was arrested on foot in the parking lot while making the drug delivery and the co-defendant was arrested inside the car.

After his arrest, JOMINIQUE JOHNSON was interviewed and confirmed his knowing participation in the distribution of cocaine.

Kellen Johnson pled guilty and was sentenced on federal charges. Dwain Rouse pled guilty and is awaiting sentencing.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that JOHNSON will likely serve **all** of the time imposed by the court. In the federal system, JOHNSON does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, the Great Falls Police Department, the United States Secret Service, the Air Force Office of Special Investigations, and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

KELLEN LAMON JOHNSON

KELLEN LAMON JOHNSON, a 24-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 60 months, concurrent with the sentence in CR 05-170-GF
- Special Assessment: \$100
- Supervised Release: 4 years

JOHNSON was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute cocaine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On November 18, 2005, a Great Falls based multi-agency narcotics investigation culminated in a buy-bust transaction. Allegations against two members of the Red Horse Squadron at Malmstrom Air Force Base, JOHNSON and Dwain Rouse, also included the unlawful purchase and exportation of firearms, and the distribution of counterfeit currency. This operation resulted in the arrest of JOHNSON, Jominique Johnson and Dwain Rouse for trafficking cocaine.

On September 12, 2005, a Great Falls police report was filed alleging that an individual was passing counterfeit \$50 bills. This individual was confronted and questioned.

On September 22, 2005, this individual provided information that he was involved with JOHNSON and Rouse, who were providing him cocaine. He also admitted his role in passing counterfeit \$50 bills which he had obtained from Rouse.

On October 4, 2005, this individual made a controlled purchase of approximately 16.3 grams of cocaine from JOHNSON.

The following day, on October 5, 2005, this individual made a second controlled

purchase of approximately 15.9 grams of cocaine from JOHNSON. A portion of the cocaine was "fronted," meaning that he was given the cocaine by JOHNSON for re-sale and then full payment would follow.

On October 14, 2005, the individual met with JOHNSON and paid \$600 for the cocaine fronted on October 5, 2005.

On October 18, 2005, the individual made a controlled purchase of approximately 15.7 grams of cocaine from JOHNSON. The total cocaine received from JOHNSON, at this point, was approximately 47.9 grams for which the individual paid JOHNSON \$2,200.

On October 30, 2005, the individual contacted a Great Falls police detective to advise that he had received a phone call from JOHNSON'S drug supplier, Jominique Johnson from Houston, Texas. Jominique Johnson advised the individual that he was taking over the distribution network for JOHNSON, and wanted to know how much cocaine the individual wanted him to bring into town during a trip that would ultimately occur in early November.

On November 1, 2005, a monitored call was placed to Jominique Johnson to complete the plan for his arrival on November 2, 2005. The individual ordered 10 grams, whereupon Jominique Johnson advised that "they" planned to bring "a lot more than 10 grams."

On or before November 8, 2005, Jominique Johnson canceled his trip due to bad weather, and advised that he sent 7 ounces of cocaine to JOHNSON. The individual advised the Great Falls Police Department that he had been receiving calls from JOHNSON, who wanted to sell the 7 ounces of cocaine.

On November 9, 2005, the individual made a controlled call to Jominique Johnson asking about the 7 ounces of cocaine and his plans to travel to Great Falls. Jominique indicated that he needed money for the 7 ounces in order to travel to Great Falls and would bring "2 bricks" of cocaine (presumed to be 2 kilos).

On November 14, 2005, another controlled purchase of cocaine was made from JOHNSON. The individual paid JOHNSON \$5,950 for 7 ounces of cocaine and advised JOHNSON that his money was coming from an out-of-town trucker. An undercover DEA agent later posed as the "trucker" to further negotiations with JOHNSON and Jominique Johnson.

On November 15, 2005, Rouse made a wire transfer in the amount of \$5,950 to Jominique Johnson.

On November 18, 2005, Jominique Johnson and another individual arrived in Great Falls at a pre-negotiated location, where they delivered approximately 1½ pounds of cocaine to undercover DEA agents. They were in a car bearing a Texas license plate.

Jominique Johnson left the vehicle to deliver the cocaine to the DEA agents in the parking lot while the other individual remained in the driver's seat. Jominique Johnson was arrested on foot in the parking lot while making the drug delivery.

After his arrest, JOHNSON was interviewed and made various admissions which confirmed his knowing participation in the distribution of cocaine.

Jominique Johnson and Rouse pled guilty to federal charges and have been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that JOHNSON will likely serve **all** of the time imposed by the court. In the federal system, JOHNSON does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, the Great Falls Police Department, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Bureau of Immigration and Customs Enforcement, the United States Secret Service, and the Air Force Office of Special Investigations.

AMY ANN JONES

AMY ANN JONES, a 22-year-old resident of Spokane, Washington, was sentenced in connection with her guilty plea to conspiracy to possess with the intent to distribute methamphetamine to a term of:

- Prison: 37 months
- Special Assessment: \$200
- Supervised Release: 5 years

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 31, 2006, an undercover narcotics investigation was conducted, wherein a confidential informant purchased one ounce of methamphetamine and one-half of an ounce of cocaine from a drug supplier, Christopher Lee Osterloth.

On February 1, 2006, Osterloth agreed to send one ounce of methamphetamine and one-half of an ounce of cocaine via FedEx to a confidential informant in Helena; however, the controlled substances were never received.

On March 6, 2006, Osterloth, JONES, Jody West and Tad Stephens, traveled from eastern Washington to Helena to deliver 3.5 ounces of methamphetamine.

During questioning, JONES admitted being involved in the conspiracy to deliver methamphetamine from eastern Washington to individuals in Helena for distribution. JONES also admitted to using methamphetamine during the trip and had a small amount of methamphetamine on her person when she was arrested.

Osterloth, Stephens and West pled guilty to federal drug charges and have been sentenced.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that JONES will likely serve **all** of the time imposed by the court. In the federal system, JONES does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Missouri River Drug Task Force, the Bureau of Immigration and Customs Enforcement, and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

BARRY ROYCE JONES, JR.

BARRY ROYCE JONES, JR., a 30-year-old resident of Idaho, was sentenced to a term of:

- Prison: 240 months
- Special Assessment: \$100
- Supervised Release: 10 years

JONES was sentenced in connection with his guilty plea to conspiracy to manufacture over 500 grams of methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On November 4, 2004, law enforcement officers searched James Matthew Peterson’s home on Angel Lane in Billings. An active lab used to manufacture methamphetamine was located in the house. The lab was in a “cook” process. Also found were 8.5 grams of 81% methamphetamine or 6.8 grams of actual methamphetamine, various chemicals including iodine and pseudoephedrine, and equipment suitable for the manufacture of methamphetamine. Officers also obtained other physical evidence in the home, including photographs of JONES and other co-conspirators with lab equipment or chemicals.

Testimony at trial would have included descriptions of the chemicals found during the search of the house, evidence of previous cooks, and the testimony of JONES' co-defendant, James Peterson. Testimony would have established the following:

In approximately March of 2004, JONES met James Matthew Peterson when JONES went to Peterson's home on Angel Lane and laid out a line of methamphetamine for Peterson to try.

Two weeks later, JONES asked Peterson if he could use Peterson's utility room in exchange for two grams of crystal methamphetamine. JONES then used the utility room to break down pills or other chemicals to manufacture methamphetamine.

From approximately April to June 2004, JONES had Peterson's permission to "throw" at Peterson's house ("throw means to cook methamphetamine). In exchange for the use of Peterson's home, JONES agreed to give Peterson 10 percent of any product produced during the manufacture of methamphetamine. JONES manufactured approximately 110 grams of methamphetamine.

JONES' second methamphetamine cook in Peterson's utility room took two to three days to prepare. The third cook took place in a trailer in Roundup.

JONES told Peterson that the trailer was a better place to cook methamphetamine and that JONES preferred to cook at the trailer because he did not like to cook in the same place in which he lived. Three different cooks occurred in that trailer.

Following the third cook, JONES asked Peterson if he could rent a room and stay at Peterson's home at 340 Angel Lane in Billings. Peterson agreed to allow JONES to stay at his home in exchange for methamphetamine.

JONES had two storage units. Peterson helped JONES take glassware, a condenser, stoppers, liquids, Iodine, phosphorous, etc., in and out of the storage unit. JONES paid for both storage units.

JONES once went to Red Lodge with \$10,000 worth of methamphetamine. JONES also manufactured at another residence in the Lockwood area and JONES gave the same deal to that owner that Peterson had with JONES when JONES cooked at Peterson's home.

JONES and Peterson and others went on a "big run" for pseudoephedrine the summer of 2004. They drove to Sheridan, Wyoming, bought boxes of pseudoephedrine, and then drove back toward Billings through Crow Agency and Hardin, to pick up more boxes.

JONES often bought pseudoephedrine in Red Lodge. JONES also bought pseudoephedrine at Target, both in the Heights and on the west end of Billings, at both

Wal-Marts, Osco, and many convenience stores.

JONES also cooked at another residence on Miles Avenue in Billings. JONES manufactured methamphetamine at that residence seven or eight times. JONES also manufactured methamphetamine in a trailer and a Quonset hut at a residence in Musselshell County. During the second cook in the Quonset hut, JONES made approximately 100 grams of methamphetamine. JONES produced 80 grams to 240 grams per each manufacture of methamphetamine, averaging 140 grams. JONES sold the methamphetamine for \$80 a gram.

JONES always dumped the waste from the methamphetamine cooks himself. JONES dumped liquids (used hydrogen peroxide, hydrochloric acid, and distilled water) down the drains at local car washes. The empty pill boxes and blister packs were thrown in dumpsters around town.

Peterson pled guilty and was sentenced on federal drug charges.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that JONES will likely serve **all** of the time imposed by the court. In the federal system, JONES does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, the City-County Special Investigation Unit in Billings, the Montana Department of Criminal Investigation, and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

JAMIE LYNN JONES

JAMIE LYNN JONES, a/k/a Jamie Lynn McKnight, a 31-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 87 months
- Special Assessment: \$100
- Supervised Release: 5 years

JONES was sentenced in connection with her guilty plea to possession with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 8, 2005, law enforcement officers in Great Falls, operating through a confidential informant (CI), purchased approximately 1/4 ounce of methamphetamine from JONES, who was aided and abetted in the sale by Jeremiah Preston.

The buy followed a series of monitored conversations between the CI, JONES, and Preston from August 5, 2005, through August 8, 2005. The conversations were to the effect that no delivery of methamphetamine would be made until a past drug debt owed by the informant had been paid.

The exchange occurred in Great Falls at a premise occupied by JONES and Preston. The CI gave the buy money to JONES, who in turn furnished the methamphetamine to the informant. Preston then quickly retrieved the methamphetamine from the informant and wiped the bag clean to ensure no fingerprints were left thereon.

A search warrant was subsequently executed for the residence and additional methamphetamine, drug paraphernalia, and U.S. currency were seized.

JONES was contacted by law enforcement officers in the downstairs area of the house and advised of her rights. She agreed to cooperate with law enforcement and she pointed out various locations where evidence was secured.

JONES admitted to participating in the sale, as well as being a methamphetamine dealer for a number of months prior thereto. Her admissions support the allegation that she possessed with intent to distribute well over 50 grams of methamphetamine.

Preston pled guilty to federal charges and was sentenced.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that JONES will likely serve **all** of the time imposed by the court. In the federal system, JONES does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Immigration and Customs Enforcement, the Great Falls Police Department, and the Central Montana Drug Task Force.

VAYU MAHACHAHYA JONES

VAYU MAHACHAHYA JONES, a 27-year-old resident of Missoula, was sentenced to a term of:

- Prison: 18 months
- Special Assessment: \$100

- Supervised Release: 10 years

JONES was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In 1999 and 2000, JONES was providing methamphetamine to a few individuals through a runner. JONES made the arrangement to sell the methamphetamine, then sent the runner with the drug. The runner picked up money from the dealers and gave it to JONES.

By the spring of 2001, JONES had begun receiving methamphetamine for redistribution from a drug supplier. On several occasions, JONES provided methamphetamine he had received from that supplier to other lower level dealers.

One of the individuals to whom JONES sold methamphetamine was actually an undercover drug agent employed by the state of Montana. JONES sold to the agent on several occasions, following an introduction to him by the supplier. Unbeknownst to JONES, the supplier had also sold methamphetamine to the police and was assisting law enforcement.

Forensic chemists would have testified that the suspected methamphetamine purchased by the undercover agent from JONES was indeed methamphetamine. Aggregating the testimony of all the witnesses who would have testified, the drug amount would have been significantly over 500 grams.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that JONES will likely serve **all** of the time imposed by the court. In the federal system, JONES does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was conducted by the Missoula High Intensity Drug Trafficking Area (HIDTA) Task Force.

JOHN JORDAN KELLY

JOHN JORDAN KELLY, a 62-year-old resident of Kalispell, was sentenced to a term of:

- Prison: 120 months
- Special Assessment: \$100

- Supervised Release: 10 years

KELLY was sentenced in connection with his guilty plea to possession with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Around the middle of March 2005, drug agents in the Kalispell area learned through a confidential informant that KELLY was bringing methamphetamine into the area.

The informant also told them that KELLY was making arrangements to travel to Spokane, Washington, to acquire methamphetamine. The agents surveilled KELLY and within a day, he had packed his car and left town. With the aid of an electronic tracking device, the agents were able to follow KELLY from Kalispell to I-90, where he headed west toward Spokane.

The next day agents picked up the vehicle traveling east on I-90 in Mineral County, returning from the Spokane area. They were aware that there was an arrest warrant for KELLY and stopped his vehicle. A drug dog was brought to the scene which alerted on the car, indicating the presence of illegal drugs.

The agents searched the vehicle and found over 200 grams of a mixture of methamphetamine in a bag in the back of the car. The suspected methamphetamine was sent to the DEA laboratory where forensic chemists determined it was in fact methamphetamine, and figuring the total weight and purity level, that nearly 70 grams of the substance was pure methamphetamine.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that KELLY will likely serve **all** of the time imposed by the court. In the federal system, KELLY does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was conducted by the Northwest Drug Task Force.

SUE KERKES

SUE KERKES (d/b/a Blue Moon Music), a 49-year-old resident of Great Falls, was sentenced to a term of:

- Home Arrest: 6 months
- Probation: 1 year

- Special Assessment: \$100
- Forfeiture: \$790

KERKES was sentenced in connection with her guilty plea to offering drug paraphernalia (i.e., pipes and bongs) for sale.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Beginning on an unknown date and continuing through May 18, 2005, KERKES (d/b/a Blue Moon Music) offered drug paraphernalia for sale.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that KERKES will likely serve **all** of the time imposed by the court. In the federal system, KERKES does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Immigration and Customs Enforcement and the Drug Enforcement Administration.

CHRISTINE LYNN KINGSOLVER

CHRISTINE LYNN KINGSOLVER, a 34-year-old resident of Boulder, was sentenced to a term of:

- Prison: 120 months
- Special Assessment: \$300
- Restitution: \$1,587.76
- Supervised Release: 15 years

KINGSOLVER was sentenced in connection with her guilty plea to conspiracy to possess with the intent to distribute methamphetamine, aggravated identity theft, and wire theft.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on March 22, 2005, an undercover officer purchased one ounce of methamphetamine from Lori Mae Maurer, who was aided by Patrick Thomas Shea and KINGSOLVER. The methamphetamine had been delivered to a residence in Butte by Robert William Roper.

Maurer, Shea, and Roper pled guilty and were sentenced on federal drug charges.

In a separate indictment, the government stated it would have proved at trial that KINGSOLVER and co-conspirators produced identification documents, authentication features, and/or false identification documents for use in passing stolen and/or counterfeit checks at various businesses in Butte, Missoula, Helena, and Bozeman.

Gordon Steven Mahood transported KINGSOLVER and other co-conspirators to businesses engaged in interstate commerce in various cities in Montana, to assist in negotiating stolen, fraudulent, and/or counterfeit checks, or otherwise to assist in the use of identification documents or false identification documents to obtain credit, credit cards, and/or merchandise.

Gordon Mahood has pled guilty and been sentenced on federal drug charges.

KINGSOLVER and co-conspirators entered various businesses in Montana which included Wal-Mart, K-Mart, Albertson's, Staples, Best Buy, Outback Steakhouse, Lucky Strike Casino, Van's Thriftway, Shopko, Old Navy, Applebee's, and others, where they personally possessed or used, or aided one another in possessing or using identification of another person, with the intent to commit violations of state and federal law. These violations included bank fraud, wire fraud, mail fraud, the fraudulent use a social security number, and/or the unlawful negotiation of fraudulent, stolen, or counterfeit checks.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that KINGSOLVER will likely serve **all** of the time imposed by the court. In the federal system, KINGSOLVER does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot and Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Immigration and Customs Enforcement and the Southwest Drug Task Force.

CHARLES DAVID KNAPP

CHARLES DAVID KNAPP, a 49-year-old resident of Butte, was sentenced to a term of:

- Prison: 87 months
- Special Assessment: \$100
- Fine: \$5,000
- Supervised Release: 3 years

KNAPP was sentenced in connection with his guilty plea to maintaining a drug house for storage of marijuana.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on June 18, 2005, law enforcement officers conducted surveillance of a residence. Two people were observed in the driveway, along with two Hispanic males. The two Hispanic males were seen leaving the residence in a white vehicle.

The Beaverhead County Sheriff's Office was contacted and alerted to be on the lookout for the white vehicle containing the two Hispanic males and to stop the vehicle if probable cause existed.

An agent with the Department of Homeland Security, Bureau of Immigration and Customs Enforcement (DHS/ICE), subsequently observed the vehicle and followed the vehicle, noting the temporary sticker in the rear window did not appear to have the proper dated temporary tag. An officer with the Beaverhead County Sheriff's Office initiated a traffic stop based on his observations that the suspect vehicle was not properly registered.

The agent with DHS/ICE offered his assistance with the traffic stop of the two Hispanic males because the agent spoke Spanish. He approached the vehicle and observed two male Hispanics in the driver's and front passenger seat; he identified himself and talked to the driver, Heriberto Aceves-Velasquez, who has pled guilty to federal charges, and the passenger. Both confirmed they were in the United States illegally.

KNAPP was interviewed subsequent to his arrest. He verified that a drug dealer rented a house from him in Butte. He also stated that person used KNAPP'S residence to cut and separate multiple pounds of marijuana on four occasions beginning in February 2005. On each occasion, the drug dealer arrived at KNAPP'S residence and cut 10-15 pounds of marijuana.

KNAPP admitted that during the weekend of June 18-19, 2005, the drug dealer arrived at his residence in the middle of the night with two Hispanic males in a white vehicle which they parked in KNAPP'S garage. The Hispanics carried 10-15 pounds of marijuana into KNAPP'S front room and then left. KNAPP and the drug dealer separated and cut the marijuana into smaller quantities.

The drug dealer gave KNAPP a couple of ounces of marijuana for KNAPP'S use on all four occasions.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that KNAPP will likely serve **all** of the time imposed by the court. In the federal system, KNAPP does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Retired Assistant U.S. Attorney Bernard F. Hubley and Assistant Timothy J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Immigration and Customs Enforcement and the Southwest Montana Drug Task Force.

THOMAS ROBERT KURDY

THOMAS ROBERT KURDY, a 28-year-old resident of California, was sentenced to a term of:

- Prison: 96 months
- Special Assessment: \$100
- Supervised Release: 5 years

KURDY was sentenced in connection with his guilty plea to conspiracy to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On November 8, 2004, Kevin Jay Croft was arrested and subsequently charged with conspiracy to possess with the intent to distribute and distribution of methamphetamine. When arrested, Croft was in possession of over 330 grams of methamphetamine.

When interviewed, Croft advised law enforcement that KURDY had supplied him with the methamphetamine. Croft also stated that KURDY had supplied him with methamphetamine on previous occasions as well.

Croft further advised that he had agreed to sell the methamphetamine and then forward the proceeds of the drug sales to KURDY. Croft also admitted that he had redistributed the majority of the methamphetamine supplied by KURDY to Javier Gonzales on a continuing basis for further re-distribution by Gonzales.

Witnesses would have testified that they had seen KURDY with large quantities of methamphetamine and that they had been to California with KURDY to pick up methamphetamine.

Croft and Gonzales pled guilty to and were sentenced on federal drug charges.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that KURDY will likely serve **all** of the time imposed by the court. In the federal system, KURDY does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was conducted by the Central Montana Drug Task Force.

DUANE ELLSWORTH LAFFERTY

DUANE ELLSWORTH LAFFERTY, age 69, was sentenced in two separate cases, CR 04-130-BLG-RFC and CR -04-131-BLG-RFC, which were consolidated for sentencing.

LAFFERTY was sentenced to a term of:

- Prison: 121 months, to run concurrent with a sentence he received in a South Dakota case
- Special Assessment: \$700
- Supervised Release: 5 years

LAFFERTY was sentenced in these causes in connection with his guilty pleas to conspiracy to distribute methamphetamine, distribution of methamphetamine, and conspiracy to possess with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In CR 04-130-BLG-RFC, between September 15, 2001, and April 14, 2002, LAFFERTY and Kayleen Alden distributed over 50 grams of pure methamphetamine to an undercover FBI agent.

In CR 04-131-BLG-RFC, between September 15, 2001, and April 14, 2002, LAFFERTY was supplied by Leon Meidinger with over 500 grams of a mixture containing d-methamphetamine.

LAFFERTY then sold the methamphetamine to an undercover FBI agent during this time period.

Arrangements for the sale of the methamphetamine were made via use of a telephone, and cell phones were set up to facilitate the distributions.

Alden and Meidinger pled guilty and have been sentenced on federal drug charges.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that LAFFERTY will likely serve **all** of the time imposed by the court. In the federal system, LAFFERTY does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigations were cooperative efforts between the Federal Bureau of

Investigation, the City-County Special Investigation Unit in Billings, and law enforcement in South Dakota.

DEAN LAFROMBOISE

DEAN LAFROMBOISE, a 42-year-old resident of Atwater Penitentiary, was re-sentenced to a term of:

- Prison: 420 months
- Special Assessment: \$250
- Supervised Release: 5 years

LAFROMBOISE was re-sentenced in connection with his finding of guilt on five counts at trial on April 24, including conspiracy to possess with intent to distribute controlled substances and distribution and possession with intent to distribute cocaine and methamphetamine. His original sentence was appealed to the Ninth Circuit Court of Appeals. The sentence was reversed in part and remanded back to U.S. District Court for re-sentencing.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that LAFROMBOISE will likely serve **all** of the time imposed by the court. In the federal system, LAFROMBOISE does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted this case for the United States.

The investigation was conducted by a cooperative effort between the Drug Enforcement Agency and the Yellowstone County Sheriff’s Office.

LIZA LOUISE LARUE

LIZA LOUISE LARUE, a 32-year old resident of Helena, was sentenced in connection with her guilty plea to distribution of methamphetamine to a term of:

- Prison: 54 months
- Special Assessment: \$100
- Supervised Release: 3 years

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In approximately September of 2005, the Missouri River Drug Task Force began an investigation of Jorge Arturo Barragan-Arteaga, Larae Barragan, Larry Gallegos, LARUE, and Tara Hillary Weller for distributing methamphetamine in Helena and Townsend.

On September 7, 2005, a confidential informant purchased approximately one-half gram of purported methamphetamine from Gallegos. Gallegos instructed the informant to give the money for the methamphetamine to LARUE. The purported methamphetamine was subsequently subjected to a chemical analysis and revealed the presence of methamphetamine.

During a time period which included October 18, 2005, Barragan-Arteaga and Larae Barragan lived in apartment located in the Stuart Home Public Housing Complex. The residence is located within 1,000 feet of Helena High School.

On October 18, 2005, a confidential informant went to the residence and purchased approximately one gram of purported methamphetamine from Barragan-Arteaga for \$160. Barragan-Arteaga was arrested and law enforcement officers searched the residence. Small amounts of methamphetamine, marijuana, and drug paraphernalia were recovered from the residence.

On October 20, 2005, Barragan-Arteaga was interviewed and stated that Gallegos had made at least nine trips to California from May to October of 2005 to transport methamphetamine back to Montana. Barragan-Arteaga stated that Gallegos brought four to eight ounces of methamphetamine to Montana on each trip and distributed the methamphetamine to Barragan-Arteaga, LARUE, and others for redistribution.

On October 20, 2005, Larae Barragan was interviewed and stated that on May 12, 2005, she, Barragan-Arteaga, and Weller traveled to California where Barragan-Arteaga obtained three "eight-balls" of methamphetamine. Larae Barragan admitted that upon their return from California, Weller sold methamphetamine on behalf of Barragan-Arteaga and Larae Barragan.

Two other individuals would have testified that between March of 2005 and October 18, 2005, LARUE had provided them with methamphetamine.

A confidential informant would have testified about purchases of methamphetamine from Weller on three occasions in September of 2005, and that two of the purchases occurred within 1,000 feet of Helena High School.

Weller admitted that between April 2005, to October 18, 2005, Barragan-Arteaga distributed methamphetamine to her from his residence located in the Stuart Home Public Housing Complex.

Barragan-Arteaga, Larae Barragan, GALLEGOS and Weller pled guilty and were sentenced on federal drug charges.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that LARUE will likely serve **all** of the time imposed by the court. In the federal system LARUE does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Missouri River Drug Task Force.

PERLA ICELA CUEVAS LUGO

PERLA ICELA CUEVAS LUGO, a 33-year-old resident of Santa Rosa, California, was sentenced to a term of:

- Prison: 210 months
- Special Assessment: \$100
- Supervised Release: 5 years

LUGO was sentenced in connection with her guilty plea to possession with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 29, 2005, a confidential informant for the Great Falls Police Department began negotiating with LUGO to obtain methamphetamine for distribution in Great Falls.

On August 31, 2005, LUGO, who lived in California, told the informant that she would be driving from California to Great Falls and would bring him one pound of methamphetamine.

On September 6, 2005, LUGO advised the informant that Kaylee Henry would be driving some of LUGO’S associates from California to Great Falls. LUGO told the informant she wanted him to engage in methamphetamine trafficking with one of the associates who would be coming to Montana with Henry.

On September 7, 2005, the informant met with two of LUGO’S associates, Jose Antonia Lugo Mendoza and Jose Huerta. The informant paid Mendoza \$10,000 in exchange for one pound of methamphetamine as part of a controlled purchase of the drug. The informant then gave the methamphetamine to law enforcement officers following the purchase.

The substance tested presumptively positive for methamphetamine and weighed 464.5 grams.

Later on September 7, 2005, law enforcement agents searched Henry's Great Falls residence. Agents recovered twelve, one-ounce packages of a substance which tested positive for methamphetamine.

Henry would have testified that she and a companion, Bruce Bissonette, had driven with Mendoza and Huerta from California at the direction of LUGO. Henry also would have testified that she did so in order to be paid by LUGO with money or methamphetamine.

Henry, Bissonette, Mendoza and Huerta pled guilty and were sentenced on federal drug charges.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that LUGO will likely serve **all** of the time imposed by the court. In the federal system, LUGO does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Great Falls Police Department.

JOSE JESUS LUZANILLA

JOSE JESUS LUZANILLA, a 43-year-old resident of Washington, was sentenced to a term of:

- Prison: 63 months
- Special Assessment: \$100
- Supervised Release: 5 years

LUZANILLA was sentenced in connection with his guilty plea to distribution of methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on August 28, 2003, in Ronan, approximately one pound of suspected methamphetamine was seized from two individuals who identified LUZANILLA as the supplier of the methamphetamine.

Both individuals had traveled to Washington to purchase methamphetamine from LUZANILLA on several occasions.

On one occasion, one of the individuals traveled with James Morigeau to obtain an ounce of methamphetamine from LUZANILLA. This individual also indicated that LUZANILLA traveled to Montana to supply drugs.

Another individual had obtained methamphetamine from LUZANILLA on numerous separate occasions as well. This individual confirmed the drug relationship between LUZANILLA, Morigeau, and one of the individuals.

In November 2003, during a search of a third party's residence in Othello, Washington, methamphetamine was seized as well as documents belonging to LUZANILLA. Four curved metal boxes with rubberized seals made to fit LUZANILLA'S Cadillac were also seized.

On May 13, 2005, Morigeau identified LUZANILLA as his supplier of methamphetamine. Morigeau advised that he was introduced to LUZANILLA by another individual for the purpose of obtaining methamphetamine.

In late 2001, Morigeau traveled from Montana to LUZANILLA'S residence in Washington on two occasions to purchase one ounce of methamphetamine to bring back to Montana.

In late 2001, Morigeau was introduced to another individual by a third party. This individual advised Morigeau that he was looking for a new source of methamphetamine. Morigeau called LUZANILLA and told him that this individual had a large amount of money to purchase methamphetamine. The individual then spoke with LUZANILLA and arranged to purchase two pounds of methamphetamine for \$10,000.

The following day, Morigeau, this individual, and the third party drove in the individual's car to LUZANILLA'S residence in Washington. While traveling to Washington, Morigeau observed that the third party had a large sum of money. Once at LUZANILLA'S residence, Morigeau observed the individual hand Luzanilla \$5,000 cash as prepayment for one of the two pounds of methamphetamine. LUZANILLA provided Morigeau and the third party with 1/8 gram of methamphetamine for them to smoke while LUZANILLA and the other individual went to a different room to further discuss the transaction. While waiting for a source of supply to bring the methamphetamine, the police came to LUZANILLA'S residence and Morigeau was arrested for an outstanding warrant.

Approximately one week after Morigeau was released from jail in Washington, Morigeau saw the third party at the mall in Missoula. At that time, the third party informed Morigeau that he and the other individual were in town on "business" and stated that while Morigeau was in jail, LUZANILLA had brought the one pound of methamphetamine the other individual had paid for to Missoula. The third party further advised they were in Missoula awaiting a second shipment of methamphetamine from LUZANILLA.

Around August of 2002, Morigeau called LUZANILLA to tell him that he was getting out of the dope business. LUZANILLA was initially upset with Morigeau because Morigeau owed him \$2,000 for two ounces of methamphetamine LUZANILLA had previously

provided to Morigeau. LUZANILLA then thanked Morigeau for the introduction to the other individual as he was a good customer and told Morigeau that he had someone replacing him.

Morigeau estimated that during an approximate 6-month time period in 2001-2002, he traveled approximately 6-8 times from Montana to LUZANILLA'S residence to obtain ounce quantities of methamphetamine from LUZANILLA. Morigeau would call LUZANILLA about one day prior to each trip. Once Morigeau arrived in Washington, LUZANILLA would give Morigeau a sample of the methamphetamine to smoke and then LUZANILLA would call his source of supply to bring the methamphetamine to his residence.

On one of Morigeau's trips to Washington, two individuals traveled with Morigeau. While at LUZANILLA'S residence, Morigeau observed LUZANILLA with approximately two pounds of methamphetamine. One of the individuals purchased four ounces of the methamphetamine from Morigeau and provided a portion of the methamphetamine to Morigeau and this individual.

Morigeau paid LUZANILLA by money transfers through Western Union before traveling to Washington with another individual and the third party to obtain the methamphetamine. This individual provided the money to Morigeau to be wired through Western Union.

Morigeau pled guilty and has been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that LUZANILLA will likely serve **all** of the time imposed by the court. In the federal system, LUZANILLA does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was conducted by the Drug Enforcement Administration.

SCOTT LEE LYTLE

SCOTT LEE LYTLE, a resident of Belgrade, was sentenced to a term of:

- Prison: 144 months
- Special Assessment: \$500
- Supervised Release: 5 years

LYTLE was sentenced after having been found guilty during a 2-day trial of conspiracy to possess with the intent to distribute methamphetamine; possession with the intent to distribute methamphetamine; distribution of methamphetamine; being an unlawful drug

user in possession of a firearm; and maintaining a drug involved premise.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that LYTLE will likely serve **all** of the time imposed by the court. In the federal system, LYTLE does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot and Assistant U.S. Attorney Lori Harper Suek prosecuted this case for the United States.

The investigation was a cooperative effort between the Bureau of Immigration and Customs Enforcement and the Missouri River Drug Task Force.

GORDON STEVE MAHOOD

GORDON STEVE MAHOOD, a 38-year-old resident of Butte, was sentenced to a term of:

- Prison: 111 months, consecutive to a prior sentence
- Special Assessment: \$400
- Restitution: \$21,073.27
- Supervised Release: 10 years

MAHOOD was sentenced in connection with his guilty plea to charges in three separate indictments. He pled guilty to conspiracy to possess with intent to distribute and distribute methamphetamine in one indictment; bank fraud and aggravated identity theft in another indictment; and attempted escape of a prisoner in custody in another indictment.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on June 18, 2005, law enforcement officers conducted surveillance at the residence of a drug dealer. During the period of the surveillance extensive drug transactions occurred which involved the transportation and sale of methamphetamine and marijuana.

MAHOOD was supplied methamphetamine by a drug supplier and MAHOOD then distributed the drugs in the Butte area. Specifically, on May 25, 2005, MAHOOD made arrangements with the drug supplier to obtain approximately 1/4 ounce of methamphetamine which MAHOOD in turn distributed to a confidential informant.

The conspiracy which MAHOOD joined involved more than 500 grams of substances containing methamphetamine.

MAHOOD and another individual produced identification documents, authentication features, and/or false identification documents, to use in passing stolen and/or

counterfeit checks at various businesses in Butte, Missoula, Helena and Bozeman.

MAHOOD transported several others to businesses engaged in interstate commerce in various cities in Montana which included Butte, Missoula, Helena, and Bozeman, for the purpose of negotiating stolen, fraudulent, and/or counterfeit checks, or otherwise to use identification documents or false identification documents to obtain credit or credit cards.

MAHOOD and other individuals entered various businesses in the State of Montana including Wal-Mart, K-Mart, Albertson's, Staples, Best Buy, Outback Steakhouse, Lucky Strike Casino, Van's Thriftway, Shopko, Old Navy, Applebees, Target, and others. There, through the use of identification of other individuals, they fraudulently obtained services and/or goods, to include currency, which they utilized individually or split among themselves or between one another.

On August 20-21, 2005, MAHOOD was in custody at the Ravalli County Detention Facility at Hamilton pursuant to an order of detention issued by the United States Magistrate in Missoula while awaiting trial.

After an escape attempt was uncovered, MAHOOD admitted to law enforcement officers that he removed a metal bar from a table in his cell and began the process of chipping away at a wall with the intent to tunnel through the wall to affect his escape from his cell at the detention facility.

MAHOOD further admitted that he solicited and received the assistance of his girlfriend to obtain photographs of the outside of the detention facility for the purpose of evaluating an escape route.

Finally, MAHOOD admitted that he requested that his girlfriend leave money concealed near the detention facility sufficient for him to use to call her upon his escape and thereby notify her of his location and direct her to come and pick him up and complete the escape.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that MAHOOD will likely serve **all** of the time imposed by the court. In the federal system, MAHOOD does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Retired Assistant U.S. Attorney Bernard F. Hubley and Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

CANDACE ELLEN MARTELL

CANDACE ELLEN MARTELL, a 26-year-old resident of Helena, was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$100
- Supervised Release: 4 years

MARTELL was sentenced in connection with her guilty plea to possession with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 29, 2003, at approximately 9:00 p.m., a Wolf Point police officer went to the Homestead Inn in Wolf Point in response to a report from the motel that someone had broken the window of MARTELL'S car in the motel parking lot.

During the investigation of the broken window, it was discovered that MARTELL and another individual had registered at the motel under false names. When the police officer went to the motel room to talk to MARTELL about the broken window, MARTELL and the other individual appeared very nervous by his visit, but unconcerned about the broken window.

After the officer left the motel room, he requested assistance from additional law enforcement officers and contacted the owner of the motel. When the owner arrived, she was informed of the false registration information and of the damaged car in the parking lot. The owner then requested that the officers accompany her to MARTELL'S room because she wanted to check on what was occurring inside her motel.

The door was answered by the other individual and the owner and police officer were allowed to enter the room. Upon entering the room, the manager confronted MARTELL about her and the other individual lying to her and told them to take their belongings and leave the motel. MARTELL and the other individual gathered some of their belongings and left.

The manager then asked the officers to search the room. Various bags were quickly located under each of the two beds in the room. One of the officers then immediately radioed the officers that were waiting outside the motel and told them to detain MARTELL and the other individual.

The bags underneath the beds contained 89.8 grams of methamphetamine (19.8 grams actual methamphetamine), 67.9 grams of marijuana, \$9,773 in cash, a scale, a container of numerous plastic sandwich baggies, and MARTELL'S driver's license. MARTELL'S fingerprints were located on some of these items. A notebook page, containing various first names with corresponding numbers, was also located.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that MARTELL will likely serve **all** of the time imposed by the court. In the

federal system, MARTELL does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation, the Drug Enforcement Administration, the Big Muddy River Drug Task Force, the Wolf Point Police Department, the Roosevelt County Sheriff’s Office and the Fort Peck Criminal Investigation Division.

VINCENT MARTINEZ

VINCENT MARTINEZ was re-sentenced to a term of:

- Prison: 300 months
- Supervised Release: 5 years

MARTINEZ was re-sentenced after his original sentence was appealed to the Ninth Circuit Court of Appeals. The sentence was reversed and remanded back to U.S. District Court for re-sentencing.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that MARTINEZ will likely serve **all** of the time imposed by the court. In the federal system, MARTINEZ does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed Zink prosecuted this case for the United States.

LORI MAE MAURER

LORI MAE MAURER, age 42, was sentenced to a term of:

- Prison: 42 months
- Special Assessment: \$100
- Community Service: 200 hours
- Supervised Release: 5 years

MAURER was sentenced in connection with her guilty plea to conspiracy to distribute methamphetamine

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on March 9, 2005, an undercover officer purchased 1/4 ounce of methamphetamine from MAURER. The substance purchased consisted of approximately 5.27grams containing methamphetamine.

On March 22, 2005, an undercover officer purchased one ounce of methamphetamine from MAURER, who was aided by two co-conspirators. The methamphetamine had been delivered to a residence in Butte by Robert William Roper, a convicted drug trafficker. The substance purchased consisted of 27.99 grams containing methamphetamine.

On April 25, 2005, an undercover officer purchased one ounce of methamphetamine from MAURER and Shaylee Ellen Welch. The substance purchased consisted of 27.50 grams that contained methamphetamine. The methamphetamine was provided to MAURER and Welch by Roper.

On May 3, 2005, an undercover officer purchased 2-3/4 ounces of methamphetamine from MAURER and Welch. The substance purchased from MAURER and Welch on May 3, 2005, consisted of 74.90 grams containing methamphetamine.

MAURER was subsequently arrested and interviewed on June 27, 2005, and July 13, 2005. She admitted she had sold methamphetamine for five months. MAURER had methamphetamine fronted to her by Roper and admitted selling an ounce of methamphetamine in 8-ball quantities every other day for the past few months and stated she had sold a few ounces on a couple of occasions. MAURER also admitted she purchased three pounds of methamphetamine from Roper in ounce quantities over the previous few months and would then repackage the ounces into 8-ball quantities. She purchased an ounce from Roper for \$1,250 and would re-sell the 8-ball quantities for \$300. She purchased a pound of marijuana from Welch for \$500 and then repackaged it into 8th size and resold it for \$30.

Roper and Welch pled guilty and have been sentenced on federal drug charges.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that MAURER will likely serve **all** of the time imposed by the court. In the federal system, MAURER does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Retired Assistant U.S. Attorney Bernard F. Hubley and Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Immigration and Customs Enforcement and the Southwest Drug Task Force.

LEON OSCAR MEIDINGER

LEON OSCAR MEIDINGER, a 65-year-old resident of Billings, was sentenced to a term of:

- Prison: 120 months

- Special Assessment: \$600.00
- Supervised Release: 5 years

MEIDINGER was sentenced in connection with his guilty plea to (1) count of conspiracy to possess with the intent to distribute methamphetamine; (4) counts of distribution of methamphetamine; and, (1) count of use of a communication facility to further drug distribution.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Between September 15, 2001, and April 14, 2002, MEIDINGER supplied a co-defendant with over 500 grams of a mixture containing d-methamphetamine.

The co-defendant then sold the methamphetamine to an undercover FBI agent during this time period.

Arrangements for the sale of the methamphetamine were made via use of a telephone, and cell phones were set up to facilitate the distributions.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that MEIDINGER will likely serve **all** of the time imposed by the court. In the federal system, MEIDINGER does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the City-County Special Investigation Unit in Billings.

JOSE LUGO MENDOZA

JOSE LUGO MENDOZA, a 24-year-old resident of Mexico and California, was sentenced in connection with his guilty plea to possession with intent to distribute methamphetamine to a term of:

- Prison: 120 months
- Special Assessment: \$100
- Supervised Release: 5 years

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on September 6, 2005, an undercover operation commenced during which time law enforcement officers developed information that MENDOZA’S associates, Kaylee Henry and Bruce Bissonnette, had traveled to California for the

purpose of transporting others and methamphetamine from California to Montana.

After acquiring the methamphetamine from a source of supply in Santa Rosa, California, Henry and Bissonnette, along with two Hispanic males, began driving to Great Falls with the methamphetamine.

A confidential informant (CI) contacted the source of supply in Santa Rosa, California, who confirmed that Henry was driving her associates from California to Great Falls. The CI subsequently received a call from the California source of supply who told the CI that the group from California was 70 miles outside of Great Falls.

Henry's vehicle was subsequently observed arriving at her house in Great Falls and the occupants of the vehicle were observed entering the house.

The California source of supply subsequently contacted the CI and arrangements were made for the CI to meet the two Hispanic males and exchange \$10,000 for a pound of methamphetamine.

Surveillance documented the CI arriving at the rear parking lot of the Cartwheel Bar; the meeting between the two Hispanic males, and the exchange of the money by the CI for the methamphetamine supplied by the two Hispanic males.

Surveillance documented the return of the two Hispanic males to the Henry residence.

The two Hispanic males, later identified as MENDOZA and Jose Huerta, were subsequently arrested as they departed from the residence and the \$10,000 exchanged for the methamphetamine was recovered.

A search warrant was subsequently executed at Henry's residence which was occupied by Henry and Bissonnette, and an additional quantity of methamphetamine was recovered.

The methamphetamine recovered during the buy and the methamphetamine recovered pursuant to execution of the search warrant exceeded 500 grams of a mixture or substance containing methamphetamine.

On September 7, 2005, Henry was interviewed after being advised of her rights and admitted being a drug dealer who until recently dealt in small amounts of methamphetamine. She admitted that she, accompanied by Bissonnette, traveled to California on this occasion for the purpose of obtaining methamphetamine, and, upon arrival in California, her source of supply asked them to drive MENDOZA and Huerta back to Great Falls.

Bissonnette was an occupant of Henry's residence in Great Falls on September 7, 2005, and before, he aided and abetted Henry, and others, in maintaining the residence

at which time the premises was made available for the purpose of using, storing, and/or distributing a controlled substance, including methamphetamine.

Bissonnette, Henry, and Huerta have pled guilty and been sentenced.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that MENDOZA will likely serve **all** of the time imposed by the court. In the federal system, MENDOZA does have the opportunity to earn sentence reductions for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Retired Assistant U.S. Attorney Bernard F. Hubley and Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Great Falls Police Department.

SAUL MENDOZA

SAUL MENDOZA, a 33-year-old resident of Kennewick, Washington, was sentenced to a term of:

- Prison: 71 months
- Special Assessment: \$200
- Supervised Release: 5 years

MENDOZA was sentenced in connection with his guilty plea to conspiracy to distribute marijuana and possession with the intent to distribute marijuana.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Cooperating witnesses would have testified that between November 2001 through August 5, 2005, MENDOZA was the primary, if not exclusive, supplier of approximately 850 pounds of marijuana to another individual, who then distributed the marijuana in the Great Falls area.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that MENDOZA will likely serve **all** of the time imposed by the court. In the federal system, MENDOZA does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs

Enforcement and the High Intensity Drug Trafficking Area (HIDTA) Task Force.

JEFFREY ERIC MITCHELL

JEFFREY ERIC MITCHELL, a 52-year-old resident of Miles City, was sentenced to a term of:

- Prison: 66 months
- Special Assessment: \$200
- Fine: \$12,500
- Supervised Release and Conditions: 4 years
- Forfeiture: house, 4 vehicles and 3 firearms

MITCHELL was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute marijuana; maintaining a place to store, distribute or use marijuana; and agreed to forfeit his residence, vehicles and firearms.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On or about 1990 up to 2005, MITCHELL received marijuana, a Schedule I controlled substance, for resale or redistribution, and the amount of marijuana involved during the period of the conspiracy exceeded 200 pounds.

MITCHELL received, stored, weighed and repackaged the marijuana at his home in Miles City at 2102 Main Street, with the intent to distribute the marijuana utilizing at least the four motor vehicles in the scheme.

On June 23, 2005, during a search of MITCHELL'S residence, several firearms were seized. After his arrest, MITCHELL was interviewed and admitted that he has received, sold or distributed marijuana to his friends and smoked the same for at least ten years.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that MITCHELL will likely serve **all** of the time imposed by the court. In the federal system, MITCHELL does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Montana Department of Criminal Investigation, the Custer County Sheriff's Office and the Miles City Police Department.

ERIC MICHAEL MUCH

ERIC MICHAEL MUCH, a 41-year-old resident of Helena, was sentenced to a term of:

- Prison: 84 months for each count; all counts to run concurrent
- Special Assessment: \$300
- Supervised Release: 10 years

MUCH was sentenced in connection with his guilty plea to conspiracy and possession with the intent to distribute methamphetamine and distribution of 500 or more grams of methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In January of 2005, a drug dealer, Robert Roper, began receiving multiple pounds of methamphetamine and distributing the drugs in and around Butte.

Near the end of March 2005, Lisa Lynn Wonnacott, who had been purchasing small quantities of methamphetamine from Roper and his associates, took some money provided by MUCH, and purchased an ounce of methamphetamine for redistribution in the Butte and Helena area.

Wonnacott continued to purchase methamphetamine from Roper from April until June. She purchased approximately two ounces of meth every seven to ten days, for a total of approximately two pounds. Wonnacott distributed the drugs to MUCH who sold them in Helena.

In June 2005, shortly before leaving Butte, Roper gave Wonnacott approximately six ounces of methamphetamine, which she provided to MUCH for further distribution.

Later in June 2005, after Roper left Butte, Wonnacott traveled to Salt Lake City, Utah, to deliver money to him and pick up approximately seven ounces of methamphetamine, which was again provided to MUCH for redistribution in the Helena area.

Roper and Wonnacott pled guilty and have been sentenced on federal drug charges.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that Wonnacott and MUCH will likely serve **all** of the time imposed by the court. In the federal system, Wonnacott and MUCH do have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs

Enforcement.

MICHAEL JOSEPH MUELLER

MICHAEL JOSEPH MUELLER, a 37-year-old resident of Missoula, was sentenced to a term of:

- Prison: 65 months
- Special Assessment: \$100
- Supervised Release: 5 years
- Community Service: 100 hours

MUELLER was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute marijuana.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that in early 1995, Montana law enforcement agents were contacted by the law enforcement in Madison, Wisconsin, regarding marijuana coming from the Missoula area to Madison. The Madison police had arrested a local drug dealer who agreed to cooperate. The drug dealer identified his source of marijuana as a person named "Michael" and explained that for the past 2 to 3 years he had received marijuana from "Michael" every month or so. Each delivery was up to 100 pounds.

A search of the dealer's cell phone revealed "Michael's" telephone number as a Montana exchange originating in Missoula. The phone company furnished agents with an address associated with the phone number, but the agents learned there was no such address.

The Wisconsin agents also learned from the dealer that a woman named Alyson had been helping Michael. The dealer believed Alyson might be Michael's girlfriend, or a close friend. She had delivered the last load of marijuana to Madison and had returned to collect money on Michael's behalf. A detective from the Missoula High Intensity Drug Trafficking Area Task Force, (HIDTA), examined motel records from the motel Alyson had stayed at in Madison and obtained Alyson's credit card information. They found that Alyson had her oil changed in Colorado and the detective contacted the company in Colorado that changed the oil. They provided a description of Alyson's car and a license number. The detective identified Alyson as MUELLER'S co-defendant, Alison Torre.

On February 17, 2005, with the Madison drug dealer's help, Torre was arrested in Madison. She had gone back to collect approximately \$130,000 owed to Michael. At the time of the arrest, Madison agents located an envelope with the name MICHAEL MUELLER on it and a Missoula address. The dealer then contacted Michael, with Madison police monitoring the call, and told him Alison had gotten the money and was headed back. The detective obtained drivers' license information on MUELLER and found a Missoula address. He and other officers surveilled that address and saw

MUELLER. After observing him for some time, he was arrested.

The Missoula officers then searched the home, which was shared by MUELLER and Torre, and discovered approximately 3 pounds of marijuana, packaged for sale, as well as scales and several trac-phones. The officers also discovered information taken from the internet pertaining to the differences between the federal and state criminal justice systems.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that MUELLER will likely serve **all** of the time imposed by the court. In the federal system, MUELLER does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was conducted by the Missoula High Intensity Drug Trafficking Area (HIDTA) Task Force.

KIMBERLY RAE NEWBURY

KIMBERLY RAE NEWBURY, a 41-year-old resident of Salt Lake City, Utah, was sentenced to a term of:

- Prison: 240 months
- Special Assessment: \$100
- Supervised Release: 10 years

NEWBURY was sentenced in connection with her guilty plea to conspiracy to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that beginning in February of 2005, and periodically until approximately mid-June of 2005, NEWBURY transported, with the assistance of a co-defendant, quantities of methamphetamine to Butte and Helena. This case involved multiple defendants and numerous drug-related charges which included possession with intent to distribute and distribution of methamphetamine.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that NEWBURY will likely serve **all** of the time imposed by the court. In the federal system, NEWBURY does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Retired Assistant U.S. Attorney Bernard F. Hubley and Assistant U.S. Attorney Timothy

J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Immigration and Customs Enforcement and the Southwest Drug Task Force.

JAMES VAUGHN NORBURY

JAMES VAUGHN NORBURY, a resident of Butte, was sentenced to a term of:

- Prison: 240 months
- Special Assessment: \$400
- Supervised Release: 10 years

NORBURY was sentenced after having been found guilty during a 2-day trial of conspiracy to distribute methamphetamine and distribution of methamphetamine.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that NORBURY will likely serve **all** of the time imposed by the court. In the federal system, NORBURY does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence. Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was a cooperative effort between the Missouri River Drug Task Force and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

BARBARA HEREDIA OCHOA and SILVIA OCHOA

BARBARA HEREDIA OCHOA, age 26, and SILVIA OCHOA, age 30, both residents of southern California, were sentenced.

BARBARA OCHOA was sentenced to a term of:

- Prison: 120 months
- Special Assessment: \$100
- Fine: \$5,000
- Supervised Release: 5 years

SILVIA OCHOA was sentenced to a term of:

- Prison: 144 months
- Special Assessment: \$100
- Fine: \$5,000
- Supervised Release: 5 years

They were sentenced in connection with their guilty pleas to conspiracy to distribute

methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On multiple occasions in 2003 and 2004, Arthur Halse delivered methamphetamine to Butte in pound quantities.

Several of the deliveries were witnessed by other individuals who received portions of the methamphetamine from Halse which they then re-delivered around western Montana.

The Montana dealers delivered the proceeds of sales back to Halse and Halse's suppliers by depositing those proceeds in a Wells Fargo Bank account in Butte. This bank account was established and maintained in California by Halse, BARBARA OCHOA and SILVIA OCHOA. More than \$100,000, all deposited in cash, passed through the account in this fashion.

Witnesses would have testified that BARBARA OCHOA and SILVIA OCHOA knew that the money was from the proceeds of drug transactions.

Testimony would have shown that at the rates the organization was paying for and selling methamphetamine, the money deposited represented far more than 500 grams of methamphetamine.

Halse pled guilty to and was sentenced on federal drug charges.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BARBARA OCHOA and SILVIA OCHOA will likely serve **all** of the time imposed by the court. In the federal system, BARBARA OCHOA and SILVIA OCHOA do have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Immigration and Customs Enforcement and the Southwest Montana Drug Task Force.

CONNIE ISABELLE OSTER

CONNIE ISABELLE OSTER, a 49-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 180 months

- Special Assessment: \$300
- Supervised Release: 5 years

OSTER was sentenced after having been found guilty during a 2-day trial of conspiracy to distribute methamphetamine; possession with the intent to distribute methamphetamine; and distribution of methamphetamine.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that OSTER will likely serve **all** of the time imposed by the court. In the federal system, OSTER does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Great Falls Police Department.

CHRISTOPHER LEE OSTERLOTH

CHRISTOPHER LEE OSTERLOTH, a 38-year-old resident of Spokane, Washington, was sentenced in connection with his guilty plea to conspiracy to possess methamphetamine to a term of:

- Prison: 260 months
- Special Assessment: \$300
- Supervised Release: 15 years

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 31, 2006, an undercover narcotics investigation was conducted wherein a confidential informant purchased one ounce of methamphetamine and one-half of an ounce of cocaine from OSTERLOTH.

Also on January 31, 2006, OSTERLOTH, who was in eastern Washington at the time, had the confidential informant wire him two separate wire transfers, one for \$1,000 and the other for \$900. The wire transfers were sent from Helena via Western Union.

On February 1, 2006, OSTERLOTH agreed to send one ounce of methamphetamine and one-half of an ounce of cocaine via FedEx to a confidential informant in Helena; however, the controlled substances were never received.

On March 6, 2006, OSTERLOTH, Jody Lee West, Tad Ryan Stephens and Amy Ann Jones, traveled from eastern Washington to Helena to deliver 3.5 ounces of methamphetamine.

After law enforcement agents learned that James Quiroz was one of the eastern Washington suppliers of the 3.5 ounces of methamphetamine, a cooperating individual ordered one pound of methamphetamine from him.

On March 7, 2006, Quiroz traveled from eastern Washington to Helena to deliver the pound of methamphetamine. Upon his arrest, law enforcement located approximately two pounds of methamphetamine in the vehicle.

When questioned, OSTERLOTH admitted to delivering one to two ounces of methamphetamine to the confidential informant five or six times during the period of June 2005 through October 2005. OSTERLOTH further admitted that he participated in the methamphetamine delivered to Helena from eastern Washington on March 6, 2006.

A forensic chemist with the Drug Enforcement Administration would have testified that the substances purchased on January 31, 2006, contained methamphetamine and cocaine. The forensic chemist would have further testified that the substances delivered on March 6, 2006, and on March 7, 2006, also contained methamphetamine.

West, Stephens, Jones and Quiroz pled to and have been sentenced on federal drug charges.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that OSTERLOTH will likely serve **all** of the time imposed by the court. In the federal system, OSTERLOTH does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Missouri River Drug Task Force, the Bureau of Immigration and Customs Enforcement, and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

ERIK RAMOS PADILLA-NUNEZ

ERIK RAMOS PADILLA-NUNEZ, *a/k/a Andreas Padilla, a/k/a Andreas Zaiz-Lopez*, a 27-year-old resident of Mexico, was sentenced to a term of:

- Prison: 14 months
- Supervised Release: 2 years

PADILLA-NUNEZ was sentenced in connection with his guilty plea to re-entry of a deported alien.

In an Offer of Proof filed by the United States, the government stated it would have

proved at trial the following:

On February 8, 2006, PADILLA-NUNEZ was deported from the United States through Nogales, Arizona.

On May 26, 2006, PADILLA-NUNEZ was apprehended at the Port of Sweetgrass by law enforcement after being denied entrance into Canada and turned away by Canadian officials at the Coutts Alberta Port of Entry, due to his criminal history and his prior immigration violation and removal from the United States.

A check of official immigration records revealed that PADILLA-NUNEZ did not have official permission of the Attorney General of the United States, or his successor, the Secretary of Homeland Security, to enter or remain in the United States.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that PADILLA-NUNEZ will likely serve **all** of the time imposed by the court. In the federal system, PADILLA-NUNEZ does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth Horsman prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Immigration and Customs Enforcement and the U.S. Border Patrol.

ALBERTO PADILLA-CASTRO

ALBERTO PADILLA-CASTRO, age 43, was sentenced in connection with his guilty plea to conspiracy to possess with intent to distribute and possession with intent to distribute marijuana and forfeiture of real property located in Phoenix, Arizona that was used to facilitate the drug conspiracy. PADILLA-CASTRO was sentenced to a term of:

- Prison: 180 months
- Special Assessment: \$100
- Supervised Release: 4 years
- Forfeiture: Strip mall located in Phoenix, Arizona

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that between an unknown date in 1997 through August of 2000, Alberto PADILLA-CASTRO, Hilaria Margarita Fernandez and others agreed to obtain marijuana for redistribution. The marijuana was obtained from Mexico and other locations by PADILLA-CASTRO and Fernandez. The marijuana was delivered to co-conspirators who brought the marijuana to Montana for redistribution.

Multiple pound loads of marijuana ranging from 30 to 130 pounds each were obtained from PADILLA-CASTRO and Fernandez.

Fernandez assisted in collecting profits for the marijuana. She also obtained navigation equipment and walkie talkies for use in getting marijuana across the Mexican - United States border into Arizona for redistribution in Montana.

More than 100 kilograms of marijuana was involved in the conspiracy.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that Fernandez and PADILLA-CASTRO will likely serve **all** of the time imposed by the court. In the federal system, Fernandez and PADILLA-CASTRO do have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted this case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, the United States Border Patrol, and the Montana Division of Criminal Investigation.

JOSE RAMIRO PENA

JOSE RAMIRO PENA, a 42-year-old resident of Prosser, Washington, was sentenced to a term of:

- Prison: life
- Special Assessment: \$ 200
- Supervised Release: 15 years

PENA was sentenced after he and Joel Vargas Torres were found guilty during a 2-day trial in Butte of conspiracy to possess with the intent to distribute methamphetamine and possession with the intent to distribute methamphetamine.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that PENA will likely serve **all** of the time imposed by the court. In the federal system, PENA does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Missouri River Drug Task Force and the Drug Enforcement Administration.

JAMES MATTHEW PETERSON

JAMES MATTHEW PETERSON, a 49-year-old resident of Billings, was sentenced to a term of:

- Prison: 80 months
- Special Assessment: \$100
- Supervised Release: 5 years

PETERSON was sentenced in connection with his guilty plea to conspiracy to manufacture over 500 grams of methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On November 4, 2004, law enforcement officers searched PETERSON'S home in Billings.

An active lab used to manufacture methamphetamine was located in the house. The lab was in a "cook" process. Also found were 8.5 grams of 81% methamphetamine or 6.8 grams of actual methamphetamine, various chemicals including iodine and pseudoephedrine, and equipment suitable for the manufacture of methamphetamine. Officers also obtained other physical evidence in the home, including photographs of other co-conspirators with lab equipment or chemicals.

PETERSON admitted that he had agreed to allow Barry Royce Jones, Jr. to make methamphetamine at his house for which PETERSON would be paid in methamphetamine.

During the period of the conspiracy, PETERSON was using methamphetamine on a daily basis and was addicted to methamphetamine. Also found in PETERSON'S home were two firearms, a Ruger 357 revolver and a Hi-Point 9mm. Peterson admitted to possessing the guns.

Jones pled guilty to federal drug charges and is awaiting sentencing.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that PETERSON will likely serve **all** of the time imposed by the court. In the federal system, PETERSON does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, the City-County Special Investigation Unit in Billings, and the Montana

Department of Criminal Investigation.

JEREMIAH CLAY PRESTON

JEREMIAH CLAY PRESTON, a 29-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 156 months
- Special Assessment: \$100
- Supervised Release: 3 years

PRESTON was sentenced in connection with his guilty plea to conspiracy to distribute methamphetamine; possession with the intent to distribute methamphetamine; distribution of methamphetamine; use of a communication device during a drug-trafficking crime, and maintaining a drug-trafficking premises.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 8, 2005, law enforcement officers in Great Falls, operating through a confidential informant (CI), purchased approximately 1/4 ounce of methamphetamine from Jamie Lynn Jones.

The buy followed a series of monitored conversations between the CI, Jones, and PRESTON from August 5, 2005, through August 8, 2005. The conversations were to the effect that no delivery of methamphetamine would be made until a past drug debt owed by the informant had been paid.

The exchange occurred in Great Falls at a premise occupied by PRESTON and Jones. The CI gave the buy money to Jones, who in turn furnished the methamphetamine to the informant. PRESTON then quickly retrieved the methamphetamine from the informant and wiped the bag clean to ensure no fingerprints were left thereon.

A search warrant was subsequently executed for the residence and additional methamphetamine, drug paraphernalia, and U.S. currency were seized.

Upon PRESTON'S arrest, \$2,762 was seized from his pocket. Among the currency taken from PRESTON'S pocket was \$780 of the \$900 given to Jones by the CI.

Jones pled guilty to and was sentenced on federal drug charges.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that PRESTON will likely serve **all** of the time imposed by the court. In the federal system, PRESTON does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Immigration and Customs Enforcement, the Great Falls Police Department, and the Central Montana Drug Task Force.

MARVIN ISOM QUESENBERRY, III

MARVIN ISOM QUESENBERRY, III, a 27-year-old resident of Bozeman, was sentenced to a term of:

- Prison: 280 months
- Special Assessment: \$500
- Supervised Release: 10 years

QUESENBERRY was sentenced in connection with his guilty plea to multiple counts of conspiracy to possess with intent to distribute and distribution of methamphetamine; and possession with intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that QUESENBERRY agreed with Josh Myrstol to sell methamphetamine in and around Livingston, commencing in the spring of 2002.

In addition, QUESENBERRY, Crystal Busby, and others traveled to Billings on multiple occasions to obtain more than 500 grams of methamphetamine which they later sold.

In additional conspiracies which involved action in 2002 through 2005, QUESENBERRY conspired with others to transport from California more than 500 grams of methamphetamine back to Montana for distribution, conspired to obtain methamphetamine in Phoenix, Arizona, for distribution in Montana, and obtained methamphetamine from various other locations in Montana and other states for distribution in Montana.

Myrstol and Busby pled guilty and have been sentenced.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that QUESENBERRY will likely serve **all** of the time imposed by the court. In the federal system, QUESENBERRY does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Retired Assistant U.S. Attorney Bernard F. Hubley and Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration and the Missouri River Drug Task Force.

JAMES ANDREW QUIROZ

JAMES ANDREW QUIROZ, a 19-year-old resident of Spokane, Washington, was sentenced in connection with his guilty plea to possession with the intent to distribute over 500 grams of methamphetamine to a term of:

- Prison: 87 months
- Special Assessment: \$100
- Supervised Release: 5 years

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 31, 2006, an undercover narcotics investigation was conducted wherein a confidential informant purchased one ounce of methamphetamine and one-half of an ounce of cocaine from Christopher Lee Osterloth, a co-defendant of QUIROZ.

Also on January 31, 2006, Osterloth, who was in eastern Washington at the time, had the confidential informant wire him two separate wire transfers, one for \$1,000 and the other for \$900. The wire transfers were sent from Helena via Western Union.

On February 1, 2006, Osterloth agreed to send one ounce of methamphetamine and one-half of an ounce of cocaine via FedEx to a confidential informant in Helena; however, the controlled substances were never received.

On March 6, 2006, Osterloth, Jody Lee West, Tad Ryan Stephens and Amy Ann Jones, traveled from eastern Washington to Helena to deliver 3.5 ounces of methamphetamine.

After law enforcement agents learned that QUIROZ was one of the eastern Washington suppliers of the 3.5 ounces of methamphetamine, a cooperating individual ordered one pound of methamphetamine from him.

On March 7, 2006, QUIROZ traveled from eastern Washington to Helena to deliver the pound of methamphetamine. Upon his arrest, law enforcement located approximately two pounds of methamphetamine in the vehicle.

When questioned, Osterloth admitted to delivering one to two ounces of methamphetamine to the confidential informant five or six times during the period of June 2005 through October 2005. Osterloth further admitted that he participated in the methamphetamine delivered to Helena from eastern Washington on March 6, 2006.

A forensic chemist with the Drug Enforcement Administration would have testified that the substances purchased on January 31, 2006, contained methamphetamine and cocaine. The forensic chemist would have further testified that the substances delivered on March 6, 2006, and on March 7, 2006, also contained methamphetamine.

West, Stephens, Jones and Osterloth pled to and have been sentenced on federal drug charges.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that QUIROZ will likely serve **all** of the time imposed by the court. In the federal system, QUIROZ does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Missouri River Drug Task Force, the Bureau of Immigration and Customs Enforcement, and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

YOVANY RAMOS-MONDROY

YOVANY RAMOS-MONDROY, a 22-year-old resident of Mexico, was sentenced to a term of:

- Prison: 18 months for each of the 3 counts, to run concurrent
- Supervised Release: 3 years

RAMOS-MONDROY was sentenced in connection with his guilty plea to possession with intent to distribute cocaine, false documents, and illegal re-entry of a deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on July 25, 2005, RAMOS-MONDROY was arrested by Border Patrol agents during transportation checks at the bus depot in Billings.

Following his arrest, RAMOS-MONDROY was transported to the Billings Border Patrol Office. When RAMOS-MONDROY got out of the detention van, an agent noticed plastic baggies under the seat RAMOS-MONDROY had been sitting on. The baggies contained numerous smaller bundles wrapped in plastic.

The Border Patrol suspected illicit drugs and contacted the Drug Enforcement Administration.

A DEA agent field-tested the suspected drugs which tested positive for cocaine.

RAMOS-MONDROY admitted that the baggies containing cocaine had been in his possession and that he was going to deliver them to an un-named individual in Seattle. He further admitted that he had taken possession of the cocaine in Chicago.

During a search of RAMOS-MONDROY and his belongings, Border Patrol agents discovered five identification documents which had not been lawfully issued to him.

RAMOS-MONDROY admitted he had purchased the identification documents for \$80 and used them to secure employment in the United States.

Immigration records confirmed that RAMOS-MONDROY was previously removed from the United States to Mexico on December 9, 2004, at Brownsville, Texas.

RAMOS-MONDROY had not applied for permission to re-enter the United States from the Attorney General of the United States or his successor, the Secretary of the Department of Homeland Security.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that RAMOS-MONDROY will likely serve **all** of the time imposed by the court. In the federal system, RAMOS-MONDROY does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the Border Patrol.

ROBERT WILLIAM ROPER

ROBERT WILLIAM ROPER, a 51-year-old resident of Butte, was sentenced to a term of:

- Prison: life
- Special Assessment: \$200
- Supervised Release: 10 years

ROPER was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute methamphetamine and maintaining a drug-involved premise.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on March 22, 2005, an undercover narcotics investigation was conducted in Butte. ROPER delivered methamphetamine to a residence that belonged to Patrick Thomas Shea. An undercover officer purchased one ounce of methamphetamine from three individuals. The substance purchased consisted of

27.99 grams containing methamphetamine.

On April 25, 2005, an undercover officer purchased one ounce of methamphetamine from two individuals. ROPER provided the methamphetamine to the two individuals. The substance purchased consisted of two methamphetamine samples; one weighed 13.73 grams and the other weighed 13.77 grams totaling 27.99 grams.

On May 3, 2005, an undercover officer purchased 2-3/4 ounces of methamphetamine from two individuals in Helena. The methamphetamine was traceable to ROPER. The substance purchased consisted of two methamphetamine samples; one weighed 55.79 grams, and the other weighed 19.11 grams.

On May 25, 2005, an undercover officer purchased one-quarter ounce of methamphetamine in Butte from Gordon Steven Mahood. The methamphetamine provided to Mahood was traceable to ROPER. The substance purchased consisted of 6.53 grams containing methamphetamine.

On June 1, 2005, an undercover officer purchased one-quarter ounce of methamphetamine from ROPER. The substance purchased consisted of 3.40 grams containing methamphetamine.

On June 18, 2005, law enforcement officers conducted surveillance at the residence of ROPER. ROPER and another individual were observed in the driveway, along with two Hispanic males. ROPER, the individual and the two Hispanic males were observed leaving ROPER'S residence in three separate vehicles.

After a traffic stop, one of the Hispanic males admitted that he came to Montana two weeks prior with three pounds of methamphetamine which he and the other male delivered to ROPER. They were paid \$30,000 which they took back to Salt Lake City, Utah, and gave to another individual. The payment received from ROPER was \$1,000 short of full payment, which was deducted from their commission for transporting the drugs.

On June 18, 2005, the two Hispanic males met with ROPER. One of them gave ROPER two tape-wrapped packets of methamphetamine and also delivered 15 pounds of marijuana. They received \$28,000 from ROPER for the methamphetamine and marijuana and the money was placed into the hidden compartment in their vehicle.

The substances containing the methamphetamine exceeded 500 grams. ROPER also used and trafficked methamphetamine at and from his residence in Billings.

Shea and Mahood pled guilty to federal drug charges.

Because there is no parole in the federal system, the "truth in sentencing" guidelines

mandate that ROPER will likely serve **all** of the time imposed by the court. In the federal system, ROPER does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Retired Assistant U.S. Attorney Bernard F. Hubley and Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Immigration and Customs Enforcement and the Southwest Drug Task Force.

EFREN ROSALES-ROSALES

EFREN ROSALES-ROSALES, a resident of Mexico, was sentenced in connection with his guilty plea to conspiracy to distribute methamphetamine. ROSALES-ROSALES was sentenced to a term of:

- Prison: 168 months
- Special Assessment: \$100
- Supervised Release: 5 years

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that in May of 2005, an agent with the Montana Division of Criminal Investigation made controlled buys of methamphetamine in Kalispell from a female individual. While trying to arrange further buys from this individual, the agent called the individual’s cell phone. A male speaking heavily accented English answered the phone and explained that the individual was in jail and asked the agent what he wanted. The agent replied that he wanted “four,” and the male said he could help, but that he did not want to talk on the phone. The agent told the male he would get his money together and meet him in Kalispell.

On May 23, 2005, the agent met Gomez-Cano and ROSALES-ROSALES in a parking lot in Kalispell. After speaking with the two men, the agent agreed to follow them to another location. He followed them to a road near the Kalispell airport. Gomez-Cano got out of the pickup near some mailboxes and ROSALES-ROSALES kept driving. The agent followed ROSALES-ROSALES a short distance and then pulled up along side and rolled down his window. ROSALES-ROSALES rolled down his window and told the agent to go back to Gomez-Cano, which the agent did.

Back at the mailboxes, Gomez-Cano got into the agent’s car and the two negotiated the sale of 4 ounces of methamphetamine from Gomez-Cano to the agent for \$5,800. Gomez-Cano then gave one ounce of methamphetamine to the agent and directed him to drive further up the road for the rest. They turned a corner and Gomez-Cano directed the agent to stop the car. The agent did so and Gomez-Cano got out and went into the bushes. He came back with a white plastic bag that contained the rest of the methamphetamine. They drove back to the mailboxes where Gomez-Cano got out of the agent’s car and got back into the white pickup with ROSALES-ROSALES. Other

agents observed from a distance and listened to the entire transaction on a hidden microphone.

The agents sent the suspected methamphetamine to the DEA lab in San Francisco where it was tested. It was methamphetamine and weighed approximately 110 grams.

On May 26, 2005, the agent again met Gomez-Cano in order to purchase methamphetamine. This time the purchase occurred in a hotel in Missoula and the amount of methamphetamine was approximately 7 ounces. Agents arrested Gomez-Cano, and proceeded to the room where they arrested ROSALES-ROSALES.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that ROSALES-ROSALES will likely serve **all** of the time imposed by the court. In the federal system, ROSALES-ROSALES do have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted this case for the United States.

The investigation was conducted by the Montana Department of Criminal Investigation.

DWAIN ROUSE

DWAIN ROUSE, a 22-year-old resident of Kingstree, South Carolina, and Malmstrom Air Force Base, was sentenced to a term of:

- Prison: 27 months, concurrent with other sentences
- Special Assessment: \$400
- Supervised Release: 3 years

ROUSE was sentenced in connection with his guilty plea to aiding and abetting the distribution of cocaine

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On November 18, 2005, a Great Falls based multi-agency narcotics investigation culminated in a buy-bust transaction. Allegations against two members of the Red Horse Squadron at Malmstrom Air Force Base, ROUSE and Kellen Johnson, also included the unlawful purchase and exportation of firearms, and the distribution of counterfeit currency. This operation resulted in the arrest of ROUSE, Kellen Johnson, and Jominique Johnson for trafficking cocaine.

On September 12, 2005, a Great Falls police report was filed alleging that an individual

was passing counterfeit \$50 bills. This individual was confronted and questioned.

On September 22, 2005, this individual provided information that he was involved with Kellen Johnson and ROUSE, who were providing him cocaine. He also admitted his role in passing counterfeit \$50 bills which he had obtained from ROUSE.

On October 4, 2005, this individual made a controlled purchase of approximately 16.3 grams of cocaine from Kellen Johnson.

The following day, on October 5, 2005, this individual made a second controlled purchase of approximately 15.9 grams of cocaine from Kellen. A portion of the cocaine was "fronted," meaning that he was given the cocaine by Kellen for re-sale and then full payment would follow.

On October 14, 2005, this individual met with Kellen and paid \$600 for the cocaine fronted on October 5, 2005.

On October 18, 2005, the individual made a controlled purchase of approximately 15.7 grams of cocaine from Kellen. The total cocaine received from Kellen, at this point, was approximately 47.9 grams for which the individual paid Kellen \$2,200.

On October 30, 2005, the individual contacted a Great Falls police detective to advise that he had received a phone call from Jominique Johnson, Kellen's drug supplier in Houston, Texas, who advised he was taking over the distribution network for Kellen, and wanted to know how much cocaine the individual wanted him to bring into town during a trip that would ultimately occur in early November.

On November 1, 2005, a monitored call was placed to Jominique Johnson to complete the plan for his arrival on November 2, 2005. The individual ordered 10 grams whereupon Jominique Johnson advised that "they" planned to bring "a lot more than 10 grams."

On or before November 8, 2005, Jominique Johnson canceled his trip due to bad weather, and advised that he sent 7 ounces of cocaine to Kellen. The individual advised the Great Falls Police Department that he had been receiving calls from Kellen Johnson, who wanted to sell the 7 ounces of cocaine.

On November 9, 2005, the individual made a controlled call to Jominique Johnson asking about the 7 ounces of cocaine and his plans to travel to Great Falls. Jominique Johnson indicated that he needed money for the 7 ounces in order to travel to Great Falls and would bring "2 bricks" of cocaine (presumed to be 2 kilos).

On November 14, 2005, another controlled purchase of cocaine was made from Kellen. The individual paid Kellen \$5,950 for 7 ounces of cocaine and advised Kellen that his money was coming from an out-of-town trucker. An undercover DEA agent later posed

as the “trucker” to further negotiations with Kellen and Jominique Johnson.

On November 15, 2005, ROUSE made a wire transfer in the amount of \$5,950 to the supplier.

On November 18, 2005, Jominique Johnson and another individual arrived in Great Falls at a pre-negotiated location, where they delivered approximately 1½ pounds of cocaine to undercover DEA agents. They were in a car bearing a Texas license plate. Jominique Johnson left the vehicle to deliver the cocaine to the DEA agents in the parking lot while the other individual remained in the driver’s seat. Jominique Johnson was arrested on foot in the parking lot while making the drug delivery and the co-defendant was arrested inside the car.

On January 26, 2006, ROUSE advised the Federal Bureau of Investigation that he met Kellen Johnson in October of 2004, while both were active duty members of the Air Force stationed at Malmstrom. From May 2005 through the date of ROUSE’S arrest, they lived together in a rented house in Great Falls.

In June or July, 2005, Kellen received approximately an “eight ball” (3.5 grams) of cocaine via the mail. Kellen called ROUSE into Kellen’s bedroom to look at the cocaine. Kellen said he had received the cocaine from someone “back home.” Kellen did not have a way to measure the quantity of cocaine and ROUSE showed him how to measure it using a teaspoon, which when leveled off, equaled one gram. ROUSE measured the cocaine and showed Kellen that it equaled three and a half grams of cocaine.

Between May and November, 2005, ROUSE signed for two packages via the mail which contained drugs for Kellen. ROUSE introduced Kellen to an individual in Great Falls.

About two weeks after Kellen received the “eight ball” of cocaine, ROUSE gave Kellen a ride to the individual’s residence. When ROUSE and Kellen arrived at the residence, all three individuals went into a back bedroom. After ROUSE and Kellen left the residence, Kellen told ROUSE he had sold the individual some cocaine.

Sometime after the trip to the individual’s residence, ROUSE was at home and preparing his personal possessions for a move. Movers were present at his home and Kellen told ROUSE he was going to visit the individual. ROUSE knew that Kellen meant he was going to sell the individual some cocaine. Kellen left the residence and arrived back home a short time later. Kellen told ROUSE he was in possession of “around \$6,000.” Kellen asked ROUSE to wire the money to Jominique Johnson in Texas. ROUSE knew Kellen had obtained the \$6,000 as a result of a cocaine sale to the individual. ROUSE told Kellen he was busy with the movers and would complete the wire transfer the following day when the movers were finished packing his personal possessions.

The following day, ROUSE went to his personal bank and made a wire transfer of the drug funds to Jominique Johnson in Texas.

A short time after ROUSE showed Kellen how to measure a gram of cocaine in a teaspoon, Kellen received a half ounce of cocaine via the mail. ROUSE helped Kellen package the cocaine by measuring the cocaine, placing the drugs in a plastic bag, and showing Kellen how to burn the top of a plastic bag in order to seal the bag. The cocaine was packaged into half gram quantities and “dimes” (ten dollar bags). Together, they packaged approximately fifteen separate plastic bag quantities.

Kellen Johnson and Jominique Johnson pled guilty and have been sentenced on federal charges.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that ROUSE will likely serve **all** of the time imposed by the court. In the federal system, ROUSE does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, Great Falls Police Department, Alcohol, Tobacco, Firearms and Explosives, and the Secret Service.

LINDA SCHAEFER

LINDA SCHAEFER, a 54-year-old resident of Billings, was sentenced to a term of:

- Prison: 235 months
- Special Assessment: \$2,400
- Supervised Release: 5 years

SCHAEFER was sentenced after having been found guilty during a 3-day trial of (1) count of conspiracy to possess with the intent to distribute over 500 grams of methamphetamine; (22) counts of possession with the intent to distribute methamphetamine; and (1) count of using a communication device in furtherance of a drug-trafficking crime.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that SCHAEFER will likely serve **all** of the time imposed by the court. In the federal system, SCHAEFER does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration and the Montana Department of Criminal Investigation.

HEATHER SCHUTZ

HEATHER SCHUTZ, a 25-year-old resident of Billings, was sentenced to a term of:

- Prison: 200 months
- Special Assessment: \$200
- Supervised Release: 5 years

SCHUTZ was sentenced in connection with her guilty plea to conspiracy to possess with the intent to distribute cocaine base and cocaine and possession of a firearm in furtherance of a drug trafficking crime.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

SCHUTZ was involved in a conspiracy with others to possess with the intent to distribute cocaine and cocaine base in the Billings area.

On November 10, 2004, in response to a 911 complaint, SCHUTZ was stopped by law enforcement officers. SCHUTZ had in her possession a loaded .38 caliber S&W handgun, \$863 in cash, marijuana, 1.4 grams of methamphetamine, and approximately 1.2 grams of crack cocaine.

In April of 2005, an undercover agent purchased crack cocaine (cocaine base) from SCHUTZ on three different occasions as follows: April 12, 2005 (1.5 grams), April 14, 2005 (.23 grams), and April 22, 2005 (6.3 grams).

On August 26, 2005, law enforcement obtained a search warrant for SCHUTZ'S residence in Billings. Officers seized 399.58 grams of crack cocaine (cocaine base) and a loaded Glock .45 caliber, semi-automatic handgun which was in a closet with cocaine base and cash.

Subsequent to the search, SCHUTZ provided a full confession to law enforcement in which she admitted that the conspiracy began in November of 2002. Physical evidence that would corroborate SCHUTZ'S confession and her trip to pick up the crack cocaine included car rentals, airline tickets, and Western Union records.

A DEA forensic chemist would have testified that cocaine and cocaine base were Schedule II controlled substances and that the amount of cocaine base involved during the period of the conspiracy exceeded over 1.5 kilograms.

Because there is no parole in the federal system, the "truth in sentencing" guidelines

mandate that SCHUTZ will likely serve **all** of the time imposed by the court. In the federal system, SCHUTZ does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Billings Big Sky Safe Streets Task Force.

PATRICK THOMAS SHEA

PATRICK THOMAS SHEA, a 46-year-old resident of Butte, was sentenced to a term of:

- Prison: 37 months
- Special Assessment: \$100
- Supervised Release: 3 years
- Forfeiture: house

SHEA was sentenced in connection with his guilty plea to maintaining a drug involved premise.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on March 22, 2005, an undercover officer with SHEA’S assistance, purchased one ounce of methamphetamine from SHEA’S co-defendant. During the transaction, SHEA assured the undercover officer that the methamphetamine would be arriving soon. The methamphetamine was subsequently given to the undercover officer by one of SHEA’S co-defendants. The methamphetamine had been delivered to SHEA’S residence in Butte by Robert William Roper. The substance purchased consisted of 27.99 grams of a substance containing methamphetamine.

Roper has pled guilty to federal drug-related charges.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that SHEA will likely serve **all** of the time imposed by the court. In the federal system, SHEA does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Immigration and Customs Enforcement and the Southwest Drug Task Force.

MICHAEL EDWARD SHORT

MICHAEL EDWARD SHORT, a 50-year-old resident of Anaconda, was sentenced to a term of:

- Prison: 37 months
- Special Assessment: \$300
- Supervised Release: 3 years
- Forfeiture: \$4,500, GMC truck, and 2 guns

SHORT was sentenced in connection with his guilty plea to attempted possession with intent to distribute marijuana, heroin, and methamphetamine and drug user in possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In early June 2005, agents from the Federal Bureau of Investigation and the Montana Department of Corrections received information from a confidential source that SHORT, then a guard at the Montana State Prison in Deer Lodge, had been engaged in smuggling contraband, including tobacco, into the prison. The agents also learned that SHORT intended to begin smuggling controlled substances into the prison, including marijuana, methamphetamine, and heroin.

With the consent of the confidential source, the agents recorded conversations between the source and SHORT wherein SHORT stated that he believed it would be easier to smuggle drugs than tobacco into the prison and preferred to bring in drugs for fear of getting caught with tobacco. SHORT and the source also discussed the price of the drugs, the packaging and concealment of the drugs, and the locations outside the prison where the drugs would be deposited for pick up by SHORT.

On July 12, 2005, after having agreed to deliver one-quarter pound of marijuana and one-half ounce of crystal methamphetamine to the confidential source in exchange for \$8,000, SHORT picked up \$6,000 and a package that he thought contained drugs from underneath a bathroom sink in an Anaconda gas station. He delivered the package to the confidential source at Montana State Prison, who in turn provided the package to the law enforcement officers investigating the case.

A few days later, SHORT and the confidential source agreed that SHORT would deliver one-quarter pound of marijuana, one-half ounce of crystal methamphetamine, and two grams of heroin in exchange for \$10,000, of which \$2,000 would be credited to the first transaction on July 12, 2005. On July 16, 2005, an undercover officer posing as the confidential source's brother met with SHORT in the parking lot of the Copper Bowl in Anaconda. He handed SHORT a package that SHORT believed contained the agreed upon amount of illicit drugs and \$10,000 in cash. After he received the package,

SHORT was approached by law enforcement officers and taken into custody.

During a consensual interview, SHORT admitted to smuggling tobacco and what he believed were drugs into the Montana State Prison and delivering the contraband to the confidential source. He described in detail the methods and means utilized to smuggle the tobacco into the prison and relayed that he had told the confidential source that he wanted to get out of the tobacco business and into the drug business because drugs would be easier to conceal. SHORT also admitted during the interview that he had been a habitual user of marijuana for approximately 30 years.

At the conclusion of the interview on July 16, 2005, SHORT consented to a search of his vehicle and residence. Among the items recovered in the search were: money with serial numbers matching those used by law enforcement in the July 12, 2005 drug transaction, a Remington 870 shotgun, a Springfield .45 caliber pistol, a user amount of marijuana, two marijuana pipes, and evidence that corroborated SHORT'S description of the methods and means he used to conceal the tobacco that he smuggled into the prison.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SHORT will likely serve **all** of the time imposed by the court. In the federal system, SHORT does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Montana Department of Corrections and the Federal Bureau of Investigation.

DAVID SIL

DAVID SIL, a 61-year-old resident of Missoula, d/b/a *The Vault*, was sentenced to a term of:

- Home Arrest: 6 months
- Probation: 2 years
- Special Assessment: \$100

SIL was sentenced after having been found guilty during a 2-day trial of offering drug paraphernalia for sale.

United States Attorney Bill Mercer stated, "As we try to protect our communities from the scourge of drugs, we will continue to enforce the laws that Congress has created to help us fight this problem. I thank DEA for its efforts on this case. I am confident that this prosecution will deter others from engaging in the commercial distribution of drug paraphernalia in Montana."

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that SIL will likely serve **all** of the time imposed by the court. In the federal system, SIL does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was conducted by the Drug Enforcement Administration.

SOLOMON BITTON SIMTOB

SOLOMON BITTON SIMTOB, a 58-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 240 months on Count I, and 97 months on Count II
- Sentences to run concurrently
- Special Assessment: \$200
- Supervised Release: 8 years

SIMTOB was sentenced after having been found guilty during a 2-day trial of possession with the intent to distribute methamphetamine and distribution of methamphetamine.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that SIMTOB will likely serve **all** of the time imposed by the court. In the federal system, SIMTOB does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted this case for the United States.

The investigation was conducted by the Great Falls Police Department.

COLIN SMITH

COLIN SMITH, a 39-year-old resident of Billings, was sentenced to a term of:

- Prison: 120 months
- Special Assessment: \$ 100.00
- Supervised Release: 3 years

SMITH was sentenced in connection with his guilty plea to six counts of distribution of a controlled substance.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that SMITH sold pharmaceutical narcotics to undercover agents on six different occasions in 2002: May 20, May 28, June 5, June 7, July 9, and August 21.

The narcotics SMITH sold included methylphenidate hydrochloride, a mixture of morphine and codeine, Dilaudid, and liquid morphine which he obtained from various nursing homes where he was employed.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that SMITH will likely serve **all** of the time imposed by the court. In the federal system, SMITH does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Jim Seykora prosecuted the case for the United States.

The investigation was conducted by the Drug Enforcement Administration.

RONALD EDWARD SMITH

RONALD EDWARD SMITH was sentenced to a term of:

- Prison: 360 months
- Special Assessment: \$100
- Supervised Release: 10 1/2 years

SMITH was sentenced in connection with his guilty plea to conspiracy to possess methamphetamine for distribution.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that from on or about March or April 2003 and before July 2003, SMITH was one of several individuals involved in supplying a drug trafficker with methamphetamine.

SMITH, along with several co-conspirators, also aided in the distribution of methamphetamine in the Billings area. The aiding and abetting included the loaning of vehicles for transportation; providing locations to store, repackage and use the methamphetamine; and utilizing phones to set up and deliver the methamphetamine as needed.

The parties, working in concert, transported, unpackaged and repackaged distributable quantities of methamphetamine. They utilized various vehicles to drive back and forth between Montana, Idaho and Washington to exchange and continue the flow of methamphetamine to Billings during the period of the conspiracy. During these trips, cash was transported to pay for the methamphetamine.

SMITH was involved during the entire conspiracy. He is directly responsible for at least 500 grams of a mixture of methamphetamine.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that SMITH will likely serve **all** of the time imposed by the court. In the federal system, SMITH does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

CHRISTIE MAY STAUDENMEYER

CHRISTIE MAY STAUDENMEYER, a 21-year-old resident of Butte, was sentenced to a term of:

- Prison: 97 months
- Special Assessment: \$100
- Supervised Release: 10 years

STAUDENMEYER was sentenced in connection with her guilty plea to conspiracy to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

A group of methamphetamine dealers from California made connections around the Butte and Missoula areas for the purpose of selling methamphetamine.

Generally, a member of the group traveled to Butte to drop off methamphetamine for resale in and around Butte. A number of individuals in Butte helped to sell the methamphetamine and paid for it by depositing money in local branches of Wells Fargo Bank, to accounts established and maintained by the California drug organization in California.

Witnesses would have testified that Julia Jaeger was among those who helped sell drugs and deposited money. Bank surveillance cameras captured Jaeger making a deposit of just over \$5,000. The bank account in question received over \$100,000 in cash deposits. Witnesses would have also testified that the captured deposit was only one of several, and that the amount of methamphetamine represented by the deposits Jaeger made, or the amount of methamphetamine she sold, was in excess of 50 grams.

When arrested, Jaeger admitted to being part of the organization, to selling methamphetamine, and to depositing the proceeds of drug sales in Wells Fargo Bank accounts on several occasions in amounts of between two and five thousand dollars.

Witnesses would have testified that STAUDENMEYER was involved with the organization on the Butte side. Law enforcement would have testified that they interviewed STAUDENMEYER and she admitted her involvement in the conspiracy, including her role in acquiring and distributing the drug. STAUDENMEYER also admitted to drug amounts far in excess of 50 grams.

Jaeger pled guilty to federal charges and has been sentenced

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Immigration and Customs Enforcement and the Southwest Montana Drug Task Force.

TAD RYAN STEPHENS

TAD RYAN STEPHENS, a 38-year-old resident of Spokane, Washington, was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute methamphetamine to a term of:

- Prison: 87 months
- Special Assessment: \$200
- Supervised Release: 10 years

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 31, 2006, an undercover narcotics investigation was conducted, wherein a confidential informant purchased one ounce of methamphetamine and one-half of an ounce of cocaine from a drug supplier, Christopher Lee Osterloth.

On February 1, 2006, Osterloth agreed to send one ounce of methamphetamine and one-half of an ounce of cocaine via FedEx to a confidential informant in Helena; however, the controlled substances were never received.

On March 6, 2006, Osterloth, STEPHENS, Jody West and Amy Jones traveled from eastern Washington to Helena to deliver 3.5 ounces of methamphetamine.

Upon questioning, STEPHENS admitted to being involved in the conspiracy to deliver approximately four ounces of methamphetamine from eastern Washington to Helena.

Osterloth, Stephens and Jones pled guilty to federal drug charges and have been sentenced.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that STEPHENS will likely serve **all** of the time imposed by the court. In the federal system, STEPHENS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Missouri River Drug Task Force, the Bureau of Immigration and Customs Enforcement, and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

DONALD FRANCIS SWANSON

DONALD FRANCIS SWANSON, a 27-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 21 months
- Special Assessment: \$100
- Supervised Release: 3 years

SWANSON was sentenced in connection with his guilty plea to possession of a firearm by an unlawful drug user.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 12, 2005, an undercover officer was introduced to SWANSON by a confidential informant (CI). The undercover officer was attempting to purchase methamphetamine from SWANSON. SWANSON did not have any methamphetamine at that time, but told the undercover officer he could get some from his source of supply.

The undercover officer, the CI, and SWANSON then drove to a residence at the direction of SWANSON. The officer provided SWANSON with money to purchase methamphetamine and SWANSON entered the residence. A short time later, SWANSON departed the residence and got into the car with the undercover officer and the CI and gave the methamphetamine to the undercover officer. The officer then drove SWANSON back to his residence. Upon their arrival, SWANSON asked the undercover officer if he would be willing to provide SWANSON with a portion of the methamphetamine for his personal use. The undercover officer declined to do so.

On January 13, 2005, the undercover officer arranged to purchase additional methamphetamine from SWANSON. The officer transported SWANSON to the same residence as before. At that time, the undercover officer offered SWANSON \$40 for his

assistance in purchasing the methamphetamine. SWANSON accepted the offer, but asked the undercover officer to give it to him prior to his entrance into the residence so that he could purchase methamphetamine for his personal use. The undercover officer asked SWANSON how often he used methamphetamine. SWANSON stated that he occasionally used up to a quarter gram a day.

SWANSON entered the residence but was unable to purchase the methamphetamine because the dealer had company at that time. SWANSON returned to the vehicle and asked whether the undercover officer was interested in purchasing a gun from SWANSON. SWANSON stated that he would sell the gun, a Smith & Wesson Model 28 .357 caliber revolver, to the undercover officer for \$200. The undercover officer then drove SWANSON back to his residence. SWANSON entered the residence, retrieved the gun, and returned to the undercover officer's vehicle. The undercover officer told SWANSON to meet him at a local casino later in the day in order for him to purchase the gun from SWANSON.

Later in the afternoon on January 13, 2005, the undercover officer met with SWANSON at the casino. SWANSON had the revolver and showed it to the undercover officer. The undercover officer purchased the gun for \$200.

On January 15, 2005, agents of the Central Montana Drug Task Force approached SWANSON to determine whether he would assist the Drug Task Force with purchasing narcotics from his source of supply. At that time, SWANSON informed the agents that he was an addict and just purchased enough methamphetamine from his source of supply to support his drug habit.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SWANSON will likely serve **all** of the time imposed by the court. In the federal system, SWANSON does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Central Montana Drug Task Force, and the Montana Department of Criminal Investigation.

RICHARD LEE TODD

RICHARD LEE TODD, a 33-year-old resident of Brentwood, California, was sentenced to a term of:

- Prison: 264 months
- Special Assessment: \$100
- Supervised Release: 10 years

TODD was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

TODD, Samuel Ireland, and several other co-conspirators traveled from Brentwood, California to Billings by automobile and commercial airline on numerous occasions transporting methamphetamine and/or U.S. currency.

TODD and Ireland then used a network of associates to distribute methamphetamine throughout Billings. A confidential source advised agents with the City-County Special Investigation Unit in Billings that TODD often traveled with pound quantities of methamphetamine per trip to Billings. According to the confidential source, TODD, Ireland or another co-conspirator traveled from Brentwood to Billings every three to five weeks.

Ireland was TODD'S primary contact point in Billings. Ireland and TODD maintained "stash houses" and moved the methamphetamine from location to location.

On January 14, 2005, a confidential source purchased 6.5 grams of methamphetamine from Ireland in Billings. The purchase was arranged by TODD during an earlier meeting between the confidential informant and TODD. The methamphetamine was analyzed by the DEA's Western Regional Laboratory and it was 82 percent pure, or 5.3 grams of methamphetamine.

On January 18, 2005, a confidential source purchased 6.8 grams of methamphetamine from Ireland. This purchase was also arranged by TODD during a previous telephone call with the confidential informant earlier that day. The methamphetamine was analyzed by the DEA's Western Regional Laboratory and it was 42 percent pure, or 2.8 grams of methamphetamine.

On February 3, 2005, a confidential source purchased 21.2 grams of methamphetamine from TODD in Billings. The methamphetamine was analyzed by the DEA's Western Regional Laboratory and it was 44 percent pure, or 9.3 grams of methamphetamine.

On February 8, 2005, a confidential source purchased 10.8 grams of methamphetamine from TODD in Billings. The methamphetamine was analyzed by the DEA's Western Regional Laboratory and it was 42 percent pure, or 4.5 grams of methamphetamine.

On February 10, 2005, a confidential source purchased 20.7 grams of methamphetamine from TODD in Billings. The methamphetamine was analyzed by the DEA's Western Regional Laboratory and it was 40 percent pure, or 8.2 grams of

methamphetamine.

On May 16, 2005, an undercover officer with the City-County Special Investigation Unit purchased 82 grams of methamphetamine from TODD in Billings. The methamphetamine was analyzed by the DEA's Western Regional Laboratory and it was 69 percent pure, or 56.9 grams of methamphetamine.

On May 17, 2005, the undercover officer seized 1.5 grams of methamphetamine from TODD. The methamphetamine was analyzed by the DEA's Western Regional Laboratory and it was 68 percent pure, or 1 gram of methamphetamine.

The amount of methamphetamine involved in the conspiracy exceeded 5 kilograms of methamphetamine.

Ireland pled guilty to federal drug charges and has been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that TODD will likely serve **all** of the time imposed by the court. In the federal system, TODD does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, the Bureau of Immigration and Customs Enforcement, the Montana Department of Criminal Investigation and the High Intensity Drug Trafficking Area (HIDTA) Task Force.

ALLISON LEE TORRE

ALLISON LEE TORRE, a 27-year-old resident of Denver, Colorado, was sentenced to a term of:

- Home Arrest: 12 months
- Special Assessment: \$100
- Supervised Release: 5 years

TORRE was sentenced in connection with her guilty plea to conspiracy to possess with the intent to distribute marijuana.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that in early 1995, Montana law enforcement agents were contacted by the law enforcement in Madison, Wisconsin, regarding marijuana coming from the Missoula area to Madison. The Madison police had arrested a local drug dealer who agreed to cooperate. The drug dealer identified his source of marijuana as a person

named "Michael" and explained that for the past 2 to 3 years he had received marijuana from "Michael" every month or so. Each delivery was up to 100 pounds.

A search of the dealer's cell phone revealed "Michael's" telephone number as a Montana exchange originating in Missoula. The phone company furnished agents with an address associated with the phone number, but the agents learned there was no such address.

The Wisconsin agents also learned from the dealer that a woman named Alyson had been helping Michael. The dealer believed Alyson might be Michael's girlfriend, or a close friend. She had delivered the last load of marijuana to Madison and had returned to collect money on Michael's behalf. A detective from the Missoula High Intensity Drug Trafficking Area Task Force, (HIDTA), examined motel records from the motel Alyson had stayed at in Madison and obtained Alyson's credit card information. They found that Alyson had her oil changed in Colorado and the detective contacted the company in Colorado that changed the oil. They provided a description of Alyson's car and a license number. The detective identified Alyson as ALLISON TORRE.

On February 17, 2005, with the Madison drug dealer's help, TORRE was arrested in Madison. She had gone back to collect approximately \$130,000 owed to Michael. At the time of the arrest, Madison agents located an envelope with the name "Michael Mueller" on it and a Missoula address. The dealer then contacted Michael, with Madison police monitoring the call, and told him Alyson had gotten the money and was headed back. The detective obtained driver's license information on Mueller and found a Missoula address. He and other officers surveilled that address and saw Mueller. After observing him for some time, he was arrested.

The Missoula officers then searched the home which was shared by Mueller and TORRE and discovered approximately 3 pounds of marijuana, packaged for sale, as well as scales and several trac-phones. The officers also discovered information taken from the Internet pertaining to the differences between the federal and state criminal justice systems.

Mueller pled guilty and has been sentenced on federal drug charges.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that TORRE will likely serve **all** of the time imposed by the court. In the federal system, TORRE does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was conducted by the Missoula High Intensity Drug Trafficking Area (HIDTA) Task Force.

JOEL VARGAS TORRES

JOEL VARGAS TORRES, a 30-year-old resident of Prosser, Washington, was sentenced to a term of:

- Prison: 151 months
- Special Assessment: \$ 200
- Supervised Release: 10 years

TORRES and Jose Ramira Pena were sentenced after having been found guilty during a 2-day trial in Butte of conspiracy to possess with the intent to distribute methamphetamine and possession with the intent to distribute methamphetamine.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that TORRES will likely serve **all** of the time imposed by the court. In the federal system, TORRES does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Missouri River Drug Task Force and the Drug Enforcement Administration.

APRIL WALLACE

APRIL WALLACE, a 21-year-old resident of Billings, was sentenced to a term of:

- Prison: 34 months
- Special Assessment: \$100
- Supervised Release: 5 years

WALLACE was sentenced in connection with her guilty plea to distribution of methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 26, 2005, WALLACE hand-delivered 13.2 grams of 85% methamphetamine, referred to as “ice,” to an undercover law enforcement officer.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that WALLACE will likely serve **all** of the time imposed by the court. In the federal system, WALLACE does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Billings Big Sky Safe Streets Task Force.

DAVID MICHAEL WALLER

DAVID MICHAEL WALLER, age 49, was sentenced to a term of:

- Prison: 144 months, concurrent with another sentence
- Special Assessment: \$400
- Supervised Release: 5 years

WALLER was sentenced in connection with his guilty plea to conspiracy to distribute methamphetamine and OxyContin and possession with the intent to distribute methamphetamine and OxyContin.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In April of 2006, the Central Montana Drug Task Force (CMDTF) received information from a cooperating subject that WALLER was involved in the trafficking and distribution of large quantities of methamphetamine in the Great Falls area.

Between April 27, 2006, and May 1, 2006, numerous phone calls were made between the cooperating subject and WALLER. The calls were monitored by agents with the CMDTF.

On May 1, 2006, the cooperating subject, acting at the direction and control of law enforcement, placed several telephone calls to WALLER in an attempt to arrange the purchase of two ounces of methamphetamine and an unknown amount of OxyContin tablets.

That afternoon, agents observed WALLER arrive at the cooperating subject's residence in a vehicle. WALLER was immediately detained upon his arrival. When searched, WALLER had a bag of white crystalline powder on his person which field tested positive for methamphetamine. When questioned, WALLER admitted there were at least two pounds of methamphetamine in the trunk of the vehicle.

Later that evening, a search warrant was executed on the vehicle. The search resulted in the discovery of a block of a crystalline/powdery substance that field tested positive for methamphetamine and approximately 102, 80 mg OxyContin pills.

WALLER then agreed to assist law enforcement in their efforts to secure evidence against WALLER'S source of methamphetamine supply, an individual in Las Vegas,

Nevada. WALLER advised the agents that he had picked up the two pounds of methamphetamine at the residence of this individual's son in Las Vegas. WALLER further advised that the son had accompanied him, WALLER, and the methamphetamine on the return trip to Montana and that the son was staying at a local motel and was unaware of WALLER'S arrest.

On May 3, 2006, in subsequent conversations with his supplier in Las Vegas, WALLER was told to deliver as much money as possible to the supplier's son. Law enforcement gave WALLER \$7,000 to give to the supplier's son while the agents attempted to obtain more evidence on the supplier to try and secure a second, larger shipment of drugs from Nevada.

WALLER, while monitored by law enforcement, delivered the money to the supplier's son and discussed that the money was for the OxyContin tablets.

Later, agents gave WALLER \$2,000 more as a down payment on the two pounds of methamphetamine. The supplier's son then left the motel and returned to Las Vegas. Subsequent recorded telephone calls indicated that the son had returned to Las Vegas and had given his father, the supplier, the money from the Great Falls drug run.

WALLER, the supplier, and another informant then had numerous additional conversations over the next few days as they tried to put together a large methamphetamine deal.

On May 8, 2006, the supplier informed WALLER that he had \$22,000 but was \$5,000 short of the money necessary to get the drugs together. WALLER advised law enforcement officers that the supplier got his ephedrine, a necessary precursor chemical for methamphetamine, from sources in Mexico. Monitored conversations between the supplier and WALLER indicated that the Mexican sources would not deal with the supplier until he had enough money for a complete payment. The "deal" never materialized.

The methamphetamine seized in this case was sent to the Drug Enforcement Laboratory in San Francisco, California. The methamphetamine tested positive at the following rates of purity, in the following amounts: 91% pure - 408.4 grams, 87% pure - 389.7 grams, and 18% pure - 4.6 grams.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that WALLER will likely serve **all** of the time imposed by the court. In the federal system, WALLER does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Immigration and

Customs Enforcement and the Central Montana Drug Task Force.

BRIAN WEBER

BRIAN WEBER, a 30-year-old resident of Missoula, as sentenced to a term of:

- Prison: 120 months
- Special Assessment: \$100
- Supervised Release: 3 years

WEBER was re-sentenced after having been convicted in a jury trial of conspiracy to distribute methamphetamine and possession of a firearm during a drug-trafficking crime. His original sentence was appealed to the Ninth Circuit Court of Appeals. The sentence was reversed and remanded back to U.S. District Court for re-sentencing.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that WEBER will likely serve **all** of the time imposed by the court. In the federal system, WEBER does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted this case for the United States.

The investigation was a cooperative effort between the Missoula High Intensity Drug Trafficking Area Task Force and the Federal Bureau of Investigation.

SHAYLEE ELLEN WELCH

SHAYLEE ELLEN WELCH, a 19-year-old resident of Cripple Creek, Colorado, was sentenced to a term of:

- Prison: 72 months
- Special Assessment: \$ 100.00
- Supervised Release: 5 years

WELCH was sentenced in connection with her guilty plea to conspiracy to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on April 25, 2005, an undercover officer purchased one ounce of methamphetamine from WELCH and a co-conspirator.

On May 3, 2005, an undercover officer purchased 2-3/4 ounces of methamphetamine from WELCH and a co-conspirator. The methamphetamine provided to WELCH and the co-conspirator was traced to Robert William Roper. Roper has pled guilty to federal

drug charges.

On June 18, 2005, law enforcement officers conducted surveillance at the residence of Robert William Roper. WELCH was observed, along with co-conspirators, at the Roper residence.

On July 13, 2005, WELCH was arrested and interviewed by law enforcement. WELCH stated Roper was a drug dealer and she estimated that he dealt two to three pounds of methamphetamine a week in Butte. During the period of time that WELCH conspired with Roper and others to distribute methamphetamine, WELCH supplied methamphetamine to regular customers and wired money to Roper when he traveled.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that WELCH will likely serve **all** of the time imposed by the court. In the federal system, WELCH does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Retired Assistant U.S. Attorney Bernard F. Hubley and Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the Missouri River Drug Task Force.

TARA HILLARY WELLER

WELLER, a 21-year old resident of Helena, was sentenced in connection with her guilty plea to distribution of methamphetamine near a public school to a term of:

- Prison: time served
- Home Arrest: 5 months
- Special Assessment: \$100
- Supervised Release: 6 years

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In approximately September of 2005, the Missouri River Drug Task Force began an investigation of Jorge Arturo Barragan-Arteaga, Larae Barragan, Larry Fred Gallegos, Liza Louise Larue, and WELLER for distributing methamphetamine in Helena and Townsend.

On September 7, 2005, a confidential informant purchased approximately one-half gram of purported methamphetamine from Gallegos. Gallegos instructed the informant to give the money for the methamphetamine to Larue. The purported methamphetamine was subsequently subjected to a chemical analysis and revealed the presence of methamphetamine.

During a time period which included October 18, 2005, Barragan-Arteaga and Larae Barragan lived in apartment located in the Stuart Home Public Housing Complex. The residence is located within 1,000 feet of Helena High School.

On October 18, 2005, a confidential informant went to the residence and purchased approximately one gram of purported methamphetamine from Barragan-Arteaga for \$160. Barragan-Arteaga was arrested and law enforcement officers searched the residence. Small amounts of methamphetamine, marijuana, and drug paraphernalia were recovered from the residence.

On October 20, 2005, Barragan-Arteaga was interviewed and stated that Gallegos had made at least nine trips to California from May to October of 2005 to transport methamphetamine back to Montana. Barragan-Arteaga stated that Gallegos brought four to eight ounces of methamphetamine to Montana on each trip and distributed the methamphetamine to Barragan-Arteaga, Larue, and others for redistribution.

On October 20, 2005, Larae Barragan was interviewed and stated that on May 12, 2005, she, Barragan-Arteaga, and WELLER traveled to California where Barragan-Arteaga obtained three "eight-balls" of methamphetamine. Larae Barragan admitted that upon their return from California, WELLER sold methamphetamine on behalf of Barragan-Arteaga and Larae Barragan.

Two other individuals would have testified that between March of 2005 and October 18, 2005, Larue had provided them with methamphetamine.

A confidential informant would have testified about purchases of methamphetamine from WELLER on three occasions in September of 2005, and that two of the purchases occurred within 1,000 feet of Helena High School.

WELLER admitted that between April 2005, to October 18, 2005, Barragan-Arteaga distributed methamphetamine to her from his residence located in the Stuart Home Public Housing Complex.

Barragan-Arteaga, Larae Barragan, Gallegos and Larue pled guilty and were sentenced on federal drug charges.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that WELLER will likely serve **all** of the time imposed by the court. In the federal system WELLER does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Missouri River Drug Task Force.

JODY LEE WEST

JODY LEE WEST, a 24-year-old resident of Spokane, Washington, was sentenced in connection with her guilty plea to conspiracy to possess methamphetamine and possession with the intent to distribute methamphetamine to a term of:

- Prison: 37 months
- Special Assessment: \$200
- Community Service: 150 hours
- Supervised Release: 5 years

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 31, 2006, an undercover narcotics investigation was conducted, wherein a confidential informant purchased one ounce of methamphetamine and one-half of an ounce of cocaine from a drug supplier, Christopher Lee Osterloth.

On February 1, 2006, Osterloth agreed to send one ounce of methamphetamine and one-half of an ounce of cocaine via FedEx to a confidential informant in Helena; however, the controlled substances were never received.

On March 6, 2006, Osterloth, WEST, Tad Stephens and Amy Jones, traveled from eastern Washington to Helena to deliver 3.5 ounces of methamphetamine.

Upon questioning, WEST admitted to law enforcement that she had been involved in a conspiracy to deliver methamphetamine from eastern Washington to Helena. WEST received the methamphetamine from her eastern Washington suppliers and then traveled to Montana to deliver the methamphetamine to her co-defendants, who in turn were to deliver the methamphetamine to the confidential informant in Helena. WEST had been instructed by her suppliers to stay with the methamphetamine until it was delivered.

Osterloth, Stephens and Jones pled guilty to federal drug charges and have been sentenced.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that WEST will likely serve **all** of the time imposed by the court. In the federal system, WEST does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Missouri River Drug Task Force, the Bureau of Immigration and Customs Enforcement, and the Bureau of Alcohol,

Tobacco, Firearms and Explosives.

LISA LYNN WONNACOTT

LISA LYNN WONNACOTT, a 34-year-old resident of Butte, was sentenced to a term of:

- Prison: 180 months for each count; all counts to run concurrent
- Special Assessment: \$300
- Supervised Release: 15 years

WONNACOTT was sentenced in connection with her guilty plea to conspiracy to distribute methamphetamine

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In January of 2005, a drug dealer, Robert Roper, began receiving multiple pounds of methamphetamine and distributing the drugs in and around Butte.

Near the end of March 2005, WONNACOTT, who had been purchasing small quantities of methamphetamine from Roper and his associates, took some money provided by Eric Much and purchased an ounce of methamphetamine for redistribution in the Butte and Helena area.

WONNACOTT continued to purchase methamphetamine from Roper from April until June. She purchased approximately two ounces of meth every seven to ten days, for a total of approximately two pounds. WONNACOTT distributed the drugs to Much, who sold them in Helena.

In June 2005, shortly before leaving Butte, Roper gave WONNACOTT approximately six ounces of methamphetamine, which she provided to Much for further distribution.

Later in June 2005, after Roper left Butte, WONNACOTT traveled to Salt Lake City, Utah, to deliver money to him and pick up approximately seven ounces of methamphetamine, which was again provided to Much for redistribution in the Helena area.

Roper and Much pled guilty and have been sentenced on federal drug charges.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that WONNACOTT and Much will likely serve **all** of the time imposed by the court. In the federal system, WONNACOTT and Much do have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

SAM STEWART YARBRO

SAM STEWART YARBRO, a 36-year-old resident of Fort Collins, Colorado, was sentenced to a term of:

- Prison: 105 months
- Special Assessment: \$100
- Supervised Release: 4½ years

YARBRO was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute over 5 grams of pure methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that from on or before January 1, 2004, up to and after January 15, 2004, in Billings and other areas, YARBRO and two other defendants conspired and agreed to possess with the intent to distribute 110.7 grams of a mixture or substance containing 33% methamphetamine or 36.5 grams of actual methamphetamine.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that YARBRO will likely serve **all** of the time imposed by the court. In the federal system, YARBRO does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, the City-County Special Investigation Unit located in Billings, and the Billings Police Department.

KYLE CODY YOUNG

KYLE CODY YOUNG, age 22, was sentenced to a term of:

- Prison: 70 months
- Special Assessment: \$100
- Supervised Release: 5½ years

YOUNG was sentenced in connection with his guilty plea to possession with the intent to distribute at least 500 grams of a mixture containing a detectable amount of methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

That beginning in approximately February of 2003, until approximately October of 2003, a co-conspirator acquired methamphetamine from a supplier in Phoenix and delivered it to two other co-conspirators in Phoenix and Livingston.

YOUNG and other co-conspirators assisted in acquiring methamphetamine from the two co-conspirators and others for further distribution.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that YOUNG will likely serve **all** of the time imposed by the court. In the federal system, YOUNG does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Retired U.S. Attorney Bernard F. Hubley and Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was conducted by the Drug Enforcement Administration.

GERALD YUEN

GERALD YUEN, a 31-year-old resident of Canada, was sentenced to a term of:

- Prison: 87 months
- Special Assessment: \$100
- Supervised Release: 3 years

YUEN was sentenced in connection with his guilty plea to conspiracy to smuggle methylenedioxymethamphetamine, commonly known as MDMA or ecstasy.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On September 19, 2002, U.S. law enforcement officials intercepted four individuals transporting a load of methylenedioxymethamphetamine, commonly known as MDMA, into the United States from Canada. The four were prosecuted and eventually cooperated with U.S. law enforcement.

One of the individuals advised law enforcement that he had received the ecstasy from YUEN, by way of people unknown to him, in Canada, and it was to be delivered to YUEN in California. He would have testified to his contact with YUEN to accomplish the transaction.

Law enforcement officers and records keepers would have testified that the individual

made phone calls to YUEN'S phone number, and that the calls revealed that YUEN was first in Canada, then in Southern California. Records of motel stays and car rentals would have further confirmed the individual's testimony.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that YUEN will likely serve **all** of the time imposed by the court. In the federal system, YUEN does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorneys Josh Van de Wetering and Elizabeth Horsman prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

CHRIS ZARZOZA

CHRIS ZARZOZA, a 33-year-old resident of Billings, was sentenced to a term of:

- Prison: mandatory life in prison
- Special Assessment: \$100

ZARZOZA was sentenced in connection with his guilty plea to conspiracy to possess with the intent to distribute methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

ZARZOZA, Samuel Ireland, and other co-conspirators traveled from Brentwood, California to Billings, by automobile and by commercial airline, on numerous occasions transporting methamphetamine and/or U.S. currency. ZARZOZA, Ireland, and the other co-conspirators then used a network of associates to distribute an array of methamphetamine throughout Billings.

Ireland was the primary contact point in Billings and Ireland and another co-conspirator maintained "stash houses" and moved the methamphetamine from location to location for distribution, including to ZARZOZA. Ireland and others sent thousands of dollars via Western Union between California and Billings and also used Federal Express to send drug proceeds to California.

ZARZOZA received two to three ounces of methamphetamine a week when Ireland first arrived in Billings in June of 2004. From January 2005 forward, ZARZOZA only received approximately one ounce a week for resale. The most methamphetamine Ireland provided ZARZOZA for resale at one time was four ounces. Another co-conspirator charged ZARZOZA \$1,500 to \$1,700 per ounce. ZARZOZA received well

over 500 grams of methamphetamine during the period of the conspiracy for resale.

On February 23, 2005, ZARZOZA sold 7.7 grams of methamphetamine to an undercover agent in a controlled buy. The methamphetamine was analyzed by the DEA's Western Region Laboratory and it was 35 percent pure, or 2.6 grams pure methamphetamine.

Ireland pled guilty to federal charges and has been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that ZARZOZA will likely serve **all** of the time imposed by the court. In the federal system, ZARZOZA does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney James E. Seykora prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration and the Bureau of Immigration and Customs Enforcement.

ENVIRONMENTAL AND WILDLIFE

RONALD T. ARTHUR

RONALD T. ARTHUR, a resident of Culbertson, was sentenced to a term of:

- Probation: 1 year
- Special Assessment: \$25

ARTHUR was sentenced in connection with his guilty plea to negligent pollution of wetlands.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Lesley G. Peterson was an employee of the Montana Department of Transportation (MDT) working in MDT's Glendive District as the Glendive District Construction Engineer.

ARTHUR, who was supervised by Peterson, assisted in the construction of 10.9 miles of State of Montana Highway 5 (the Highway 5 project), located in Sheridan County, west of Plentywood.

The Highway 5 project crossed wetland areas that are adjacent to and drain into the Big Muddy Creek. Since these wetlands are considered "waters of the United States," MDT needed a permit from the U.S. Army Corps of Engineers to place fill in the wetland

during construction.

On or about May 10, 2000, the MDT applied for a permit from the U.S. Army Corps of Engineers to fill a total of 2.52 acres along the slope at the edge of the road.

On May 11, 2000, the Corps of Engineers issued a permit to the MDT for the Highway 5 project. As a condition of the permit, the fill material slope along the side of the Highway 5 project was to be at a ratio of 3H:1V and the project would “impact” no more than a total of 2.52 acres of wetlands.

The Highway 5 project near Plentywood began on July 19, 2000. ARTHUR was responsible for directing construction activities at the site, which included the digging, excavation, and placement of fill materials into the wetland areas adjacent to the site.

During construction, MDT and the highway contractors encountered a water spring that rendered approximately 19,200 cubic yards of the existing roadbed too wet for use in the reconstructed roadbed of the Highway 5 project.

ARTHUR consulted Peterson about disposing of the waste fill. Peterson agreed with ARTHUR that the waste fill could be placed in the ditch along the wetland, thus exceeding the amount of fill allowed in the Corps of Engineers permit.

Between May 17, 2001, and June 12, 2001, the MDT, its employees, agents, or contractors, at the direction of Peterson and ARTHUR, used ground moving equipment to dispose of the waste fill material along the edge of the roadway in the wetland in violation of the terms of the Corps of Engineers permit.

The disposal of the waste fill material caused a total wetlands impact area of approximately 3.28 acres in violation of the permit condition limit of 2.52 acres, constituting a “discharge of pollutants.”

Through circumstances surrounding the removal of the waste fill from the wetlands, the United States would have shown that the actions of ARTHUR and Peterson in placing the fill, or authorizing and allowing the fill to be placed in wetlands exceeding the terms of the Corps of Engineers permit, were negligent.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that ARTHUR will likely serve **all** of the time imposed by the court. In the federal system, ARTHUR does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Leif M. Johnson prosecuted the case for the United States.

The investigation was a cooperative effort between the Office of the Inspector General for the Department of Transportation and the Criminal Investigation Division of the

Environmental Protection Agency.

FRED “ALLEN” DAVIS

FRED “ALLEN” DAVIS, a resident of Darby, was sentenced to a term of:

- Probation: 3 years
- Fine: \$1,000
- Restitution: \$500
- Special Assessment: \$25
- Forfeiture of the mountain lion hide and skull

DAVIS was sentenced in connection with his guilty plea to violating the Lacey Act.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On December 2, 2002, DAVIS and Brady Nagel treed a small female mountain lion off of the Nez Perce Road in Montana’s Bitterroot National Forest in Hunting District 250. It was unlawful under Montana law to kill a female mountain lion in this Hunting District.

Nagel shot and killed the mountain lion using archery equipment. DAVIS and Nagel then claimed to have killed the female mountain lion in a different hunting district on a State of Montana mountain lion trophy application.

In May of 2005, DAVIS transported the tanned hide from the female mountain lion to Nagel in Texas.

Nagel pled guilty and was sentenced for violating the Lacey Act.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that DAVIS will likely serve **all** of the time imposed by the court. In the federal system, DAVIS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Kris A. McLean prosecuted the case for the United States.

The investigation was conducted by the U.S. Fish and Wildlife Service.

JOHN DANIEL McDONALD

JOHN DANIEL McDONALD, a 38-year-old resident of Livingston, was sentenced to a term of:

- Prison: 12 months

- Special Assessment: \$200
- Restitution: \$25,000
- Fine: \$25,000
- Supervised Release: 2 years

McDONALD was sentenced in connection with his guilty plea to two counts of Lacey Act violations. In an Offer of Proof filed by the United States, the government stated it would have proved at trial that McDONALD lives on a large parcel of ranch land near Livingston. For the past several years, McDONALD accepted money from out-of-state hunters in exchange for providing them with lodging and big game opportunities on his property.

In the fall of 2002, a hunter from Michigan traveled to Montana and paid McDONALD \$3,500 to hunt elk on McDONALD'S property. The hunt was unsuccessful and the hunter returned to Michigan. The big game hunting season ended on December 1, 2002. On or about December 14, 2002, at a time when neither the Michigan hunter nor McDONALD were licensed to hunt elk in Montana, the Michigan hunter returned to Montana and McDONALD again took him elk hunting on his property. During this hunt, McDONALD shot and killed an elk. McDONALD transported the illegally-taken elk to a Montana taxidermist and had it mounted and transported in September 2003 to the hunter in Michigan.

In the fall of 2002, at least two people from California traveled to Montana and paid McDONALD at least \$1,500 each for the opportunity to hunt elk and deer on his property. These hunters had obtained deer and elk tags allowing them to hunt only during the regular 2002 big-game season. However, on December 2, 2002, the day after the season closed, one of the hunters shot a buck mule deer and the hunters returned to California. In late January and February 2003, the hunters returned to Montana; stayed with McDONALD and shot three bull elk on his property. McDONALD knew the mule deer and three elk were taken after the regular big-game season closed which violated Montana law. McDONALD transported these illegally taken animals to a taxidermist in Montana to be mounted, after which the mounts were to be transported from Montana to California.

McDONALD transported some of the meat from these illegally taken animals to a convention in Nevada in March 2003 where he gave it to the hunters. Trophy parts of two of the illegally taken bull elk and mule deer were seized by the U.S. Fish and Wildlife Service from a taxidermist in Montana. The trophy parts of the third illegally taken bull elk have not been seized to date.

On January 2, 2003, after agreeing to receive at least \$2,000 to guide a Tennessee hunter on a big-game hunt on his property, McDONALD shot a bull elk on his property and gave it to the Tennessee hunter. This occurred more than a month after the regular big-game season had closed and at a time when McDONALD was not licensed to take any big game. McDONALD transported this illegally taken elk to a taxidermist in

Montana to be mounted, after which it was to be sent to the hunter in Tennessee. The trophy parts of this animal were seized by the Montana Department of Fish, Wildlife and Parks from McDONALD in Montana.

In January 2004, after the regular big-game season had closed, four Tennessee residents traveled to Montana to hunt elk on McDONALD'S property. McDONALD agreed to receive \$9,000 in exchange for providing access to his property and other services for these hunts. In January 2004, three of the Tennessee hunters killed three bull elk, with McDONALD'S assistance. McDONALD agreed to take the three illegally taken elk to a taxidermist in Montana to be mounted, after which they were to be sent to the hunters in Tennessee. These elk were seized from McDONALD by Montana Game Wardens.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that McDONALD will likely serve **all** of the time imposed by the court. In the federal system, McDONALD does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Robert Anderson of the Environment and Natural Resources Division prosecuted the case for the United States.

The investigation was a cooperative effort between the U.S. Fish and Wildlife Service and the Montana Department of Fish, Wildlife and Parks.

BRADY NAGEL

BRADY NAGEL, a resident of Texas, was sentenced to a term of:

- Probation: 1 year
- Fine: \$1,000
- Restitution: \$500
- Special Assessment: \$25

NAGEL was sentenced in connection with his guilty plea to violating the Lacey Act.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On December 2, 2002, Fred Davis and NAGEL treed a small female mountain lion off of the Nez Perce Road in Montana's Bitterroot National Forest in Hunting District 250. It was unlawful under Montana law to kill a female mountain lion in this Hunting District.

NAGEL shot and killed the mountain lion using archery equipment. Davis and NAGEL then claimed to have killed the female mountain lion in a different hunting district on a State of Montana mountain lion trophy application.

In May of 2005, Davis transported the tanned hide from the female mountain lion to NAGEL in Texas.

David pled guilty and was sentenced for violating the Lacey Act.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that NAGEL will likely serve **all** of the time imposed by the court. In the federal system, NAGEL does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Kris A. McLean prosecuted the case for the United States.

The investigation was conducted by the U.S. Fish and Wildlife Service.

LESLEY G. PETERSON

LESLEY G. PETERSON, a resident of Miles City, was sentenced to a term of:

- Probation: 1 year
- Special Assessment: \$25

PETERSON was sentenced in connection with his guilty plea to negligent pollution of wetlands.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

PETERSON was an employee of the Montana Department of Transportation (MDT) working in MDT’s Glendive District as the Glendive District Construction Engineer.

Ronald T. Arthur, who was supervised by PETERSON, assisted in the construction of 10.9 miles of State of Montana Highway 5 (the Highway 5 project), located in Sheridan County, west of Plentywood.

The Highway 5 project crossed wetland areas that are adjacent to and drain into the Big Muddy Creek. Since these wetlands are considered “waters of the United States,” MDT needed a permit from the U.S. Army Corps of Engineers to place fill in the wetland during construction.

On or about May 10, 2000, the MDT applied for a permit from the U.S. Army Corps of Engineers to fill a total of 2.52. acres along the slope at the edge of the road.

On May 11, 2000, the Corps of Engineers issued a permit to the MDT for the Highway 5 project. As a condition of the permit, the fill material slope along the side of the Highway 5 project was to be at a ratio of 3H:1V and the project would “impact” no more

than a total of 2.52 acres of wetlands.

The Highway 5 project near Plentywood began on July 19, 2000. Arthur was responsible for directing construction activities at the site, which included the digging, excavation, and placement of fill materials into the wetland areas adjacent to the site.

During construction, MDT and the highway contractors encountered a water spring that rendered approximately 19,200 cubic yards of the existing roadbed too wet for use in the reconstructed roadbed of the Highway 5 project.

Arthur consulted PETERSON about disposing of the waste fill. PETERSON agreed with Arthur that the waste fill could be placed in the ditch along the wetland, thus exceeding the amount of fill allowed in the Corps of Engineers permit.

Between May 17, 2001, and June 12, 2001, the MDT, its employees, agents, or contractors, at the direction of PETERSON and Arthur, used ground moving equipment to dispose of the waste fill material along the edge of the roadway in the wetland in violation of the terms of the Corps of Engineers permit.

The disposal of the waste fill material caused a total wetlands impact area of approximately 3.28 acres in violation of the permit condition limit of 2.52 acres, constituting a “discharge of pollutants.”

Through circumstances surrounding the removal of the waste fill from the wetlands, the United States would have shown that the actions of Arthur and PETERSON in placing the fill, or authorizing and allowing the fill to be placed in wetlands exceeding the terms of the Corps of Engineers permit, were negligent.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that PETERSON will likely serve **all** of the time imposed by the court. In the federal system, PETERSON does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Leif M. Johnson prosecuted the case for the United States.

The investigation was a cooperative effort between the Office of the Inspector General for the Department of Transportation and the Criminal Investigation Division of the Environmental Protection Agency.

LAMONTE J. SCHNUR

LAMONTE J. SCHNUR, a resident of Townsend, was sentenced to a term of:

- Prison: 2 years
- Special Assessment: \$50

- Fine: \$10,000

SCHNUR was sentenced in connection with his guilty plea to five counts of conducting service or work activity which was not authorized by federal law.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that from October 24, 2004, through November 28, 2004, SCHNUR provided outfitting and guiding services within the boundaries of the Lewis and Clark National Forest, in and near the Castle Mountains. These services were provided to 20 clients who contracted with SCHNUR for the purpose of hunting big game in Montana. These clients paid SCHNUR at least \$56,594.50 for the services he provided. SCHNUR was not authorized to provide any such services within the boundaries of the Lewis and Clark National Forest in and near the Castle Mountains. SCHNUR had been expressly denied permission by the United States Forest Service to engage in any such activities.

Despite possessing no authorization, SCHNUR provided outfitting and guiding services for consideration in the Lewis and Clark National Forest. He provided these services personally, as well as through guides that he hired and personally directed. Prior to October 24, 2004, SCHNUR gave his guides a tour, at which time he told them to take his clients hunting on the Lewis and Clark National Forest. In addition, the location and the features of the surrounding state and private land made it a practical necessity that SCHNUR'S clients be guided onto the Lewis and Clark National Forest to hunt.

Two United States Forest Service agents investigated SCHNUR'S outfitting and guiding activities. Without revealing their identities to SCHNUR, the agents contracted with him for the week of October 31 through November 3. The agents, utilizing forest service funds, paid SCHNUR \$5,600. In return, SCHNUR, personally and through his guides, directed and escorted the agents into the Lewis and Clark National Forest for hunting purposes.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SCHNUR will likely serve **all** of the time imposed by the court. In the federal system, SCHNUR does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Craig W. Haller prosecuted the case for the United States.

The investigation was conducted by the United States Forest Service.

FRANK EARL SCHULZE

FRANK EARL SCHULZE, pled guilty to a misdemeanor trafficking violation of the Lacey Act and was sentenced to a term of:

- Prison: 2 years
- Special Assessment: \$25
- Restitution: \$8,000
- Fine: \$2,500
- Special Conditions: 5 year hunting revocation and letters of apology to specific government officials

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that in November 2002, SCHULZE and a friend, Jeffery Young, traveled from California to Montana where they each paid John “Danny” McDonald \$3,000 for the opportunity to hunt elk and deer. SCHULZE and Young had obtained Montana deer and elk tags allowing them to hunt only during the regular 2002 big-game season, which ended on December 1, 2002. Neither SCHULZE nor Young killed any deer or elk during the season.

In early February 2003, SCHULZE returned to Montana to hunt on the same private property. Prior to traveling to Montana, McDonald told SCHULZE to not bring a rifle, dress in hunting clothes or tell anyone during his trip to Montana that he was coming here to hunt elk. On or about February 6, 2005, on McDonald’s property near Livingston, SCHULZE and McDonald hunted and killed a bull elk qualifying as a trophy elk. SCHULZE paid McDonald an additional \$500 following the kill. At the time of the kill, the general big game season was closed and neither SCHULZE nor McDonald possessed a license or other authorization to kill the elk. SCHULZE subsequently transported the antlers from the illegally taken trophy bull elk from Montana to California.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that SCHULZE will likely serve **all** of the time imposed by the court. In the federal system, SCHULZE does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Robert Anderson of the Environment and Natural Resources Division prosecuted the case for the United States.

The investigation was a cooperative effort between the U.S. Fish and Wildlife Service and the Montana Department of Fish, Wildlife and Parks.

LIN TORGERSON

LIN TORGERSON, a 30-year-old resident of Etheridge, pled guilty and was sentenced on the charge of violating the Lacey Act.

TORGERSON was sentenced to a term of:

- Probation: 2 years

- Special Assessment: \$25
- Fine: \$2,500
- Restitution: \$500

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In the fall of 2000, some time at the beginning of the hunting season, a man from Pennsylvania traveled to Montana with his thirteen-year-old son to hunt whitetail deer. Prior to their arrival, TORGERSON'S wife helped them secure non-resident hunting licenses which allowed them to shoot and take possession of one whitetail buck each.

In addition, the Pennsylvania man had paid a private land owner approximately \$2,000 in trespass fees so that he and his son could lawfully hunt on his property while in Montana.

When the man and his son arrived in Montana, they stayed with TORGERSON and his wife at their home in Ethridge for the duration of the entire hunt.

On or about the second day of the hunt, and after several attempts, the thirteen-year-old shot and killed his first whitetail buck. On the same day, his father also shot and killed a whitetail buck. TORGERSON was present when the man from Pennsylvania shot the whitetail buck.

Later that evening, TORGERSON, the man from Pennsylvania, his thirteen-year-old son, TORGERSON'S wife and three other individuals met to discuss the hunt for the following day.

The following morning, the entire group traveled onto the private landowner's property and all the participants went to their assigned positions. TORGERSON and the man from Pennsylvania and one of the other individuals stayed together and were the "blockers" on the hunt. TORGERSON'S wife, the thirteen-year-old boy and the two other individuals were together and acted as the "pushers" on the hunt. Both groups had two-way radios to allow communication between the two groups.

At some point, one of the other individuals attempted to shoot a whitetail buck, but his firearm misfired and the shot did not go off. TORGERSON then told the man from Pennsylvania to shoot, which he did. He hit the whitetail buck and killed it. This was the second whitetail buck the man from Pennsylvania shot during the 2000 hunt, even though he was not in possession of an additional tag allowing him to lawfully shoot and kill this second whitetail buck.

The man then asked TORGERSON about how he would get the deer mounted and shipped to Pennsylvania without having legal problems. TORGERSON informed him that he would take care of it. Before the man and his son departed for Pennsylvania,

he paid TORGERSON approximately \$600 in cash for his services.

In December of 2000, TORGERSON took six whitetail bucks to a taxidermy in Eureka. Three of the six whitetail heads belonged to the man from Pennsylvania and his son.

In March of 2001, TORGERSON picked up the six mounted whitetail buck heads from the taxidermy. Some time thereafter, TORGERSON'S wife crated the three mounted whitetail heads and shipped them to the man in Pennsylvania. The man later called TORGERSON and his wife to inform them that all three mounts had arrived. He then paid TORGERSON approximately \$1,200 in taxidermy fees for mounting the three whitetail bucks from the 2000 hunt.

Assistant U.S. Attorney Anna S. Peckham prosecuted the case for the United States.

The investigation was conducted by the United States Fish and Wildlife Services.

JEFFERY STUART YOUNG

JEFFERY STUART YOUNG, pled guilty to a misdemeanor trafficking violation of the Lacey Act and was sentenced to a term of:

- Probation: 2 years
- Special Assessment: \$25
- Restitution: \$16,300
- Fine: \$2,500
- Special Conditions: 5 year hunting revocation and letters of apology to specific government officials

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that in November 2002, YOUNG and a friend, Frank Earl Schulze, traveled from California to Montana where they each paid John "Danny" McDonald \$3,000 for the opportunity to hunt elk and deer. YOUNG and Schulze had obtained Montana deer and elk tags allowing them to hunt only during the regular 2002 big-game season, which ended on December 1, 2002. Neither YOUNG nor Schulze killed any deer or elk during the season.

However, on December 2, 2002, the day after the season closed, YOUNG shot and killed a buck mule deer on the McDonald's property.

In January 2003, YOUNG returned to Montana. McDonald instructed him to not bring a rifle, dress as a hunter or tell anyone during the trip that he was coming to Montana to hunt elk. YOUNG and McDonald shot and killed two bull elk, each qualifying as a trophy elk. At the time the elk were killed, the general big game season was closed and neither the YOUNG nor McDonald possessed a license or other authorization to kill elk. Montana law prohibits the hunting of big game except during the periods defined by the

Montana Department of Fish, Wildlife and Parks.

McDonald later transported the heads and antlers of YOUNG'S unlawfully taken mule deer buck and two unlawfully taken bull elk to a local taxidermist for trophy preparation and delivery to YOUNG. Some meat from the deer was delivered by McDonald to YOUNG in Reno, Nevada in March 2003. In February 2004, the mount of the deer and two elk were seized from the taxidermist by investigators. In May 2004, not knowing the mounts had been seized, YOUNG traveled to Montana to retrieve the mounts and transport them to California.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that YOUNG will likely serve **all** of the time imposed by the court. In the federal system, YOUNG does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Robert Anderson of the Environment and Natural Resources Division prosecuted the case for the United States.

The investigation was a cooperative effort between the U.S. Fish and Wildlife Service and the Montana Department of Fish, Wildlife and Parks.

FIREARMS

CHARLES EUGENE ARCHER

CHARLES EUGENE ARCHER, a 37-year-old resident of Billings, was sentenced to a term of:

- Prison: 27 months, consecutive to a state sentence
- Special Assessment: \$100
- Supervised Release: 3 years

ARCHER was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On February 19, 2003, ARCHER was convicted of felony burglary in the State of Montana.

In October 2004, ARCHER was on parole supervision by the Montana Department of Corrections. A complaint was made to the Yellowstone County Sheriff's Office that ARCHER possessed a CZ52 pistol and was making threats with it. The investigating deputy contacted ARCHER'S supervising parole officer. The parole officer then

requested that a search of ARCHER'S residence be conducted.

On October 31, 2004, deputies with the Yellowstone County Sheriff's Office went to ARCHER'S residence in Billings. After making entry, they identified the persons present and conducted a search. One of the deputies recovered a CZ Model 52 semi-automatic pistol from an end table near the hallway. The pistol was loaded with six rounds of ammunition.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that ARCHER will likely serve **all** of the time imposed by the court. In the federal system, ARCHER does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was conducted by the Yellowstone County Sheriff's Office, Montana Probation and Parole, and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called "*Catch and No Release.*"

LUCAS ALLEN BEAR CHILD

LUCAS ALLEN BEAR CHILD, a 25-year-old resident of Cutbank, was sentenced to a term of:

- Prison: 40 months, concurrent with a state sentence
- Special Assessment: \$100
- Supervised Release: 3 years

BEAR CHILD was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 7, 2004, BEAR CHILD was convicted of the offense of burglary in Montana District Court in Glacier County and was under probationary supervision by the Montana Department of Corrections.

On April 19, 2005, Glacier County Sheriff Wayne Dusterhoff received notice from the

Northern Rockies Medical Center that BEAR CHILD had suffered a gunshot wound. Sheriff Dusterhoff proceeded to the Northern Rockies Medical Center where he spoke with BEAR CHILD.

BEAR CHILD admitted that earlier in the day he was handling a .22 caliber rifle and accidentally shot himself in the right foot. BEAR CHILD stated that the shooting occurred at his grandmother's residence and that the firearm was at the residence.

Sheriff Dusterhoff proceeded to the residence and seized the firearm, a Ruger model 10/22, .22 caliber rifle.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BEAR CHILD will likely serve **all** of the time imposed by the court. In the federal system, BEAR CHILD does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation in Browning.

EDWARD JOHN BETKA

EDWARD JOHN BETKA, a 61-year-old resident of Jefferson County, was sentenced to a term of:

- Probation: 3 years
- Special Assessment: \$100
- Fine: \$2,500

BETKA was sentenced in connection with his guilty plea to being a felon-in-possession of firearms.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On July 18, 1990, in the United States District Court for the Western District of Wisconsin, BETKA was convicted of making false income tax returns, mail fraud, and false representation of a social security number.

On July 30, 2005, after a fire at his home, BETKA requested that he be allowed to enter his residence and retrieve his firearms. A deputy fire marshal accompanied BETKA while he retrieved various firearms.

The deputy fire marshal observed BETKA pull an undamaged gun case from under his

bed which contained two expensive looking high powered scope mounted rifles. One rifle had a stainless steel barrel that had been ported and the other rifle had a blue barrel, both had black composite stocks.

A friend of BETKA'S would have testified that on the day of the fire, the friend offered to store BETKA'S firearms at his house. The friend took possession of three rifles, one shotgun, and a .44 revolver from BETKA. The next day, BETKA retrieved the .44 revolver.

On August 22, 2005, the friend turned the four remaining firearms over to an ATF special agent.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BETKA will likely serve **all** of the time imposed by the court. In the federal system, BETKA does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called "*Catch and No Release.*"

ROYCE BIRDSBILL, SR.

ROYCE BIRDSBILL, Sr., a 36-year-old resident of Wolf Point, was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$100
- Supervised Release: 3 years

BIRDSBILL was sentenced after having been found guilty during a 1-day trial of being a felon-in-possession of a firearm.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BIRDSBILL will likely serve **all** of the time imposed by the court. In the federal system, BIRDSBILL does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Craig W. Haller prosecuted this case for the United States.

The investigation was a cooperative effort between the Roosevelt County Sheriff's Office, the Wolf Point Police Department, and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

ROBERT LEE THURMAN BOSWELL

ROBERT LEE THURMAN BOSWELL, a 23-year-old resident of Missoula, was sentenced to a term of:

- Prison: 12 months and 1 day
- Special Assessment: \$100
- Supervised Release: 3 years

BOSWELL was sentenced in connection with his guilty plea to making false statements about a firearm at a border inspection.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On April 9, 2005, BOSWELL was questioned repeatedly by Customs and Border Protection officers on whether he had any firearms in his possession during an inbound inspection at the Port of Roosville.

BOSWELL denied possession of any firearms, when in fact, he possessed a .22 caliber derringer.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BOSWELL will likely serve **all** of the time imposed by the court. In the federal system, BOSWELL does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth Horsman prosecuted the case for the United States.

The investigation was conducted by Customs and Border Protection and the Bureau of Immigration and Customs Enforcement.

SHAWN LEE BUTTS

SHAWN LEE BUTTS, a 36-year-old resident of Helena, was sentenced to a term of:

- Prison: 30 months
- Special Assessment: \$100
- Supervised Release: 3 years

BUTTS was sentenced in connection with his guilty plea to making false statements during a firearm transaction.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that, BUTTS, a previously convicted felon, attempted to purchase a firearm from Capital Sports and Western Wear, a federal firearms licensee, in Helena.

On December 2, 2004, in the First Judicial District Court in Lewis and Clark County, BUTTS was convicted of criminal endangerment and criminal mischief. BUTTS received a 5 year deferred sentence. On March 10, 2005, BUTTS' sentence was revoked and he was sentenced to 10 years suspended on the same charges.

On April 22, 2005, at Capital Sports and Western Wear, BUTTS filled out an ATF Form 4473 while attempting to purchase a Ruger rifle. The sales person compared a Montana driver's license to BUTTS at the time, and they appeared to be the same person. BUTTS checked "no" in his answers to questions concerning his possible prohibitions to purchase firearms on the ATF Form 4473, which led the employee to believe that BUTTS could legally purchase the rifle. The transaction was denied through the National Instant Background System.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BUTTS will likely serve **all** of the time imposed by the court. In the federal system, BUTTS does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette Stewart prosecuted the case for the United States.

The investigation was a conducted by Alcohol, Tobacco, Firearms and Explosives.

JONATHAN FORD CADY

JONATHAN FORD CADY, a 37-year-old resident of Butte, was sentenced to a term of:

- Prison: 46 months
- Supervised Release: 3 years

CADY was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On March 21, 1994, CADY was convicted of conspiracy to distribute cocaine in Montana.

On May 8, 2005, in Butte, an officer with the Butte-Silver Bow Law Enforcement Agency (BSBLEA) stopped CADY for traffic violations. Before stopping his vehicle, CADY had made furtive movements like he was hiding and moving items in the vehicle. During the traffic stop, CADY refused to stop moving and also reached for the driver's door.

After requesting a search warrant for CADY'S vehicle, the BSBLEA officers located a handgun inside the driver's door where a speaker had been removed. The BSBLEA officers also recovered methamphetamine, syringes, a scale with residue on it, and other drug paraphernalia from the vehicle.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that CADY will likely serve **all** of the time imposed by the court. In the federal system, CADY does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Butte-Silver Bow Law Enforcement Agency and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called "*Catch and No Release.*"

BRYAN CARDWELL

BRYAN CARDWELL, age 37, was sentenced to a term of:

- Probation: 3 years

CARDWELL was sentenced in connection with his guilty plea to possession of an unregistered firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on December 12, 2002, Yellowstone County Sheriff's Office deputies responded to a call of shots fired at CARDWELL'S residence in Billings. Upon their arrival, the deputies observed a firearm in plain view in the residence.

The deputies secured the residence and obtained a search warrant. During the execution of the search warrant, seven firearms were located, including a Hipoint, Model 995, semi-automatic rifle with its stock removed. The removed stock and other firearm maintenance tools were located among CARDWELL'S belongings in his

bedroom.

An agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives examined the Hipoint and found it to be 20.5 inches in length, which is in violation of the National Firearms Act. A further check of the National Firearms Registration and Transfer Record revealed that the firearm was not registered and that none of the occupants of the house, including CARDWELL, had any NFA firearms registered to them.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that CARDWELL will likely serve **all** of the time imposed by the court. In the federal system, CARDWELL does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was conducted by the Yellowstone County Sheriff’s Office and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

RAY CASTRO

RAY CASTRO, a 44-year-old resident of Billings, was sentenced to a term of:

- Prison: 22 months
- Special Assessment: \$100
- Supervised Release: 3 years

CASTRO was sentenced in connection with his guilty plea to possession of an unregistered sawed-off shotgun.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On July 7, 2005, a Billings Police officer observed CASTRO driving a van. The officer knew CASTRO from previous encounters and knew that there was an outstanding warrant for his arrest. The officer verified the warrant and then contacted CASTRO.

After placing CASTRO in handcuffs, the officer looked inside the van and observed a shotgun underneath the front seat and in plain view from the outside. The officer obtained written consent from CASTRO and then searched the van. An H&R Model 120 16 gauge sawed-off shotgun, with a barrel length of 14.25 inches, was recovered during the search.

An agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives checked the National Firearms Registration and Transfer Record and determined no firearms were

registered to CASTRO.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that CASTRO will likely serve **all** of the time imposed by the court. In the federal system, CASTRO does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was a cooperative effort between the Billings Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

BENJAMIN CLOUD

BENJAMIN CLOUD, a 21-year-old resident of Billings, was sentenced to a term of:

- Probation: 3 years
- Special Assessment: \$100

CLOUD was sentenced in connection with his guilty plea to possession of a stolen firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on June 16, 2004, CLOUD and a co-defendant attempted to pawn a firearm at Chris’s Premier Pawn in Billings. The firearm was stolen from a vehicle in Wyola. CLOUD and the co-defendant purchased the firearm for \$30 from the person who originally stole it. CLOUD and the co-defendant knew that the firearm was stolen when they attempted to pawn it. Once they attempted to pawn the firearm, the pawn shop contacted law enforcement. The firearm was a Springfield armory rifle.

Assistant U.S. Attorney Marcia Hurd prosecuted this case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and Alcohol, Tobacco, Firearms and Explosives.

ANTONIO RICO DIPASQUALE

ANTONIO RICO DIPASQUALE, a 40-year-old resident of Great Falls, was sentenced

to a term of:

- Probation: 2 years
- Special Assessment: \$100

DIPASQUALE was sentenced in connection with his guilty plea to making a false statement during a firearm purchase.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

That on August 8, 2002, DIPASQUALE purchased a firearm at a store in Great Falls. The firearm was a Ruger 9mm pistol, serial number 314-04097. During the firearms purchase, DIPASQUALE filled out a Bureau of Alcohol, Tobacco, Firearms and Explosives ATF Form 4473, indicating he was not a prohibited person.

After submitting the form, the store received a delayed response from ATF and the store sold the firearm to DIPASQUALE. After providing the firearm to DIPASQUALE, the store received a response from ATF indicating DIPASQUALE could not purchase the firearm due to his criminal history. The store then provided the original ATF Form 4473 to the ATF for investigation.

ATF began an investigation into the Form 4473 that DIPASQUALE filled-out fraudulently. ATF verified that DIPASQUALE was previously convicted of a misdemeanor crime of domestic violence on April 13, 2001, in Great Falls. Therefore, DIPASQUALE was not eligible to purchase firearms.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that DIPASQUALE will likely serve **all** of the time imposed by the court. In the federal system, DIPASQUALE does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

WILLIAM THOMAS DUNCAN

WILLIAM THOMAS DUNCAN, a 31-year-old resident of Dickinson, North Dakota, was sentenced to a term of:

- Prison: 41 months
- Special Assessment: \$200
- Supervised Release: 3 years

DUNCAN was sentenced after having been found guilty during a 1-day trial of being a felon-in-possession of a firearm and possession of a firearm after having been previously committed to a mental institution.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that DUNCAN will likely serve **all** of the time imposed by the court. In the federal system, DUNCAN does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Jefferson County Sheriff’s Office.

THOMAS WAYNE EFFERTZ

THOMAS WAYNE EFFERTZ, a 21-year-old resident of Helena, was sentenced to a term of:

- Prison: 37 months
- Special Assessment: \$100
- Supervised Release: 3 years

EFFERTZ was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In January of 2005, EFFERTZ was convicted in Lewis and Clark County for assault with a deadly weapon.

Between March 7, 2005, and March 25, 2005, two residences in Jefferson County and one in Lewis and Clark County were burglarized and several firearms were stolen.

During the investigation of these burglaries, law enforcement officers identified

EFFERTZ, Jonathan Arthur Kroenke, and William John Willcutt as suspects and they were arrested.

Upon his arrest, EFFERTZ was interviewed and admitted to participating in the burglaries, possessing the firearms, and the storage location of the firearms.

Kroenke and Willcutt pled guilty and have been sentenced on federal charges.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that EFFERTZ will likely serve **all** of the time imposed by the court. In the federal system, EFFERTZ does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorneys Paulette L. Stewart and Joseph E. Thaggard prosecuted these cases for the United States.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

ERIC SHAIN ENNIS

ERIC SHAIN ENNIS, a 26-year-old resident of Billings, was sentenced to a term of:

- Prison: 27 months
- Special Assessment: \$200
- Supervised Release: 3 years

ENNIS was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm and possession of a stolen firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On October 23, 2003, ENNIS was convicted of felony theft in Montana District Court and sentenced to probation for a period of two years.

On March 9, 2005, ENNIS was a passenger in a vehicle stopped by a Billings Police officer for traffic violations. During the stop, an officer searched the vehicle and located

a loaded Hi-Point C9 9mm semi-auto pistol, SN P090737. After the stop was concluded, ENNIS was interviewed and said he possessed the firearm and that he knew it was stolen. On the date of the offense, ENNIS had absconded from probation and had an active warrant for his arrest.

The firearm was reported stolen to the Billings Police Department on February 21, 2005. An ATF agent test-fired the firearm and found it to be functional. An expert witness would testify the firearm was manufactured outside the State of Montana, and therefore traveled in or affected interstate commerce before ENNIS possessed it.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that ENNIS will likely serve **all** of the time imposed by the court. In the federal system, ENNIS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was a cooperative effort between the Billings Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

PATRICK LYNN FISCHER

PATRICK LYNN FISCHER, a 26-year-old resident of Billings, appeared for sentencing. FISCHER was sentenced to a term of:

- Prison: 111 months
- Special Assessment: \$300
- Supervised Release: 5 years

FISCHER was sentenced in connection with his guilty plea to two counts of possession of a firearm by an unlawful user and addict of a controlled substance and possession of a firearm in furtherance of a drug trafficking crime.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On June 18, 2005, a Laurel Police officer stopped FISCHER for a traffic violation. Due to his previous contacts with FISCHER, the officer requested a police canine from

Billings be sent to the scene. The canine indicated a presence of drugs and FISCHER gave the police officers permission to search the vehicle. Officers recovered a loaded H&K USP Tactical .45 handgun and various items of drug paraphernalia from the vehicle.

On June 27, 2005, Billings Police officers responded to a call for assistance from a room at Motel 6 in Billings. The officers found FISCHER lying on the floor foaming at the mouth. FISCHER appeared to be in medical distress from a drug overdose and was transported to the hospital. A friend of FISCHER'S who had been staying in the room with FISCHER advised the officers that there were two firearms in the motel room.

FISCHER later returned from the hospital and gave consent to a search of the motel room. Two loaded firearms were recovered during the search.

When questioned, FISCHER admitted he had "shot up" cocaine about ten times since that morning. FISCHER also admitted possessing the firearms.

On August 5, 2005, following a search of a residence in Billings, FISCHER admitted to an agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives, that he had been addicted to OxyContin for approximately two years. FISCHER also stated that he had previously entered a drug-treatment program, but failed to complete the program because of his continued drug usage. FISCHER also admitted that he had started using cocaine in February of 2005 and had become addicted to cocaine as well.

FISCHER was then linked to another ongoing drug distribution investigation. Witnesses would have testified that over the course of several months in late 2004 and into the summer of 2005, on approximately twenty-five occasions, FISCHER had been present and armed during the delivery of drugs by other individuals.

Witnesses would have further testified that FISCHER acted as a lookout and assisted another individual in the selling and/or distribution of cocaine.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that FISCHER will likely serve **all** of the time imposed by the court. In the federal system, FISCHER does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

NATASHA GEISS

NATASHA GEISS, a 25-year-old resident of Billings, was sentenced to a term of:

- Prison: 16 months
- Special Assessment: \$100
- Supervised Release: 2 years

GEISS was sentenced in connection with her guilty plea to the transfer of a firearm to a prohibited person.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 19, 2005, at approximately 10:30 p.m., a Montana Probation and Parole officer and three Billings Police officers attempted to arrest Justin Toland, a convicted felon wanted for violations of his probation. The officers had gone to the Exxon gas station at 3969 Grand Avenue after they were told by an informant that Toland was at that location.

When they arrived at the gas station, the officers located Toland standing near a white passenger vehicle. When the officers attempted to arrest Toland, he produced a handgun and shot at the officers. The officers returned fire and Toland was struck once in his chest, killing him.

At the scene, detectives located two firearms in the immediate possession of Toland at the time of his death, a Taurus PT99 9mm semi-automatic pistol and a Taurus PT22 .22 caliber semi-automatic pistol.

A short time later, GEISS arrived at the scene while the investigation was ongoing. She advised that the white passenger vehicle was hers. GEISS also stated that the two firearms were hers, and that she had purchased them approximately two weeks previously from an individual. Officers interviewed this individual who provided the officers with a receipt for the purchase which showed that GEISS had purchased the two firearms for \$450 in cash on August 17, 2005, two days before the shooting, not two weeks as GEISS had previously stated.

Detectives again interviewed GEISS, and in this interview she stated she bought the firearms for Toland at his request. She said she had known Toland for about six years; knew he was a convicted felon; knew he was on probation supervision; and knew he was being sought by his probation officer.

GEISS also stated that Toland was using more methamphetamine than usual and that he was increasingly paranoid in the two weeks before his death about being arrested and sent back to prison. Toland had told her he would not go back to prison.

GEISS admitted that she drove Toland around in her vehicle because the probation officer knew Toland's vehicle and Toland wanted to avoid detection. GEISS stated that Toland located two firearms for sale in the Thrifty Nickel and that he gave her cash and

asked her to go purchase them. GEISS admitted that she purchased the firearms and then turned them over to Toland on or before August 19, 2005.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that GEISS will likely serve **all** of the time imposed by the court. In the federal system, GEISS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

NORMAN J. GODBEY, III

NORMAN J. GODBEY, III, age 36, was sentenced to a term of:

- Prison: 2 years and 6 months
- Special Assessment: \$200
- Supervised Release: 3 years

GODBEY was found guilty on August 26, 2005, of being a felon-in-possession of a firearm and possession of a stolen firearm.

On about January 15, 2004, in Billings, GODBEY, having been convicted of burglary in the District Court of San Bernardino County in California on July 17, 1990, possessed a stolen .22 caliber revolver and ammunition.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that GODBEY will likely serve **all** of the time imposed by the court. In the federal system, GODBEY does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed Zink prosecuted this case for the United States.

The investigation was a cooperative effort between the Yellowstone County Sheriff’s Office and Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

SEAN MICHAEL GRUMBEIN

SEAN MICHAEL GRUMBEIN, a 26-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 93 months, consecutive to another sentence
- Special Assessment: \$300
- Supervised Release: 3 years

GRUMBEIN was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm and possession of a firearm in furtherance of a drug-trafficking crime.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

That on April 12, 2001, GRUMBEIN was convicted of felony burglary and criminal mischief in Cascade County District Court. Since his conviction, GRUMBEIN has twice been found in possession of firearms and drugs.

On July 9, 2004, in Great Falls, the police found GRUMBEIN sleeping in his car parked in a parking lot. The car was running and in gear. The officers awakened GRUMBEIN to check on his welfare. His eyes were blood-shot and blurry, and he stumbled getting out of his car. Officers observed a bottle of a prescription pain killer on the console of the car. GRUMBEIN admitted having taken some of the pain killer and having smoked marijuana three days earlier. GRUMBEIN was arrested for possession of dangerous drugs.

During a search of the vehicle that followed, officers observed what was later identified as a 9 mm Lorcin handgun under the driver's seat. After seeing the handgun, the officers applied for and received a search warrant. Besides the loaded handgun, officers discovered 27 rounds of 9 mm ammunition and over a pound of marijuana.

On October 29, 2004, a police officer made a traffic stop on a car that had failed to yield the right-of-way. GRUMBEIN was the driver of the car. When GRUMBEIN was asked for his license and registration, he opened the glove compartment. In the glove compartment the officer observed a box of ammunition and what appeared to be a holster. Although GRUMBEIN appeared to attempt to block the officer's view of the open glove compartment, when questioned, he admitted that he had a box of ammunition in the compartment. When the officer checked on GRUMBEIN'S license, he was advised that GRUMBEIN was driving with a suspended license, that the license plates did not correspond to the vehicle GRUMBEIN was driving, and that the VIN number on GRUMBEIN'S vehicle corresponded to another set of plates, but that those plates had expired. Later investigation revealed that GRUMBEIN had purchased the vehicle the day before.

GRUMBEIN was asked to perform field sobriety tests which did not suggest drunk driving. However, because of GRUMBEIN'S nervous behavior, the officer determined that the front seat area of the car should be checked before GRUMBEIN was allowed to return to the vehicle. In that cursory search, the officer discovered, under the passenger seat, a 9mm Taurus model PT 22 handgun. GRUMBEIN was arrested.

GRUMBEIN admitted that when he was arrested in July and officers seized the marijuana, he was forced to sell methamphetamine to make up for the lost marijuana. With his consent, the officer searched GRUMBEIN'S vehicle and found 9 mm, .380 and .22 caliber ammunition. In a subsequent interview, GRUMBEIN indicated that he carried the gun for protection during a drug delivery and had carried the gun since July of 2004 when his marijuana was confiscated.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that GRUMBEIN will likely serve **all** of the time imposed by the court. In the federal system, GRUMBEIN does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Great Falls Police Department.

BENJAMIN C. GUSTAFSON

BENJAMIN C. GUSTAFSON, age 28, was sentenced to a term of:

- Prison: 8 years, to run consecutively to the Park County case
- Special Assessment: \$100
- Supervised Release: 3 years

GUSTAFSON was sentenced in connection with his guilty plea to possession of a sawed-off shotgun.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on April 16, 2002, GUSTAFSON was convicted of felony assault with a weapon and felony escape in Park County District Court. He received a sentence of three years in prison with one year suspended. Although released on parole, GUSTAFSON would not have had his civil rights restored until April 2005.

On June 3, 2004, GUSTAFSON'S release was revoked, but the disposition was stayed pending his successful completion of a chemical dependency program. On August 8, 2004, GUSTAFSON failed the program for noncompliance.

On September 13, 2004, GUSTAFSON assaulted a police officer in Livingston and fled.

A bench warrant was issued for his arrest.

On January 29, 2005, in Great Falls, the police pulled GUSTAFSON over for driving erratically. When he was stopped, GUSTAFSON appeared to be trying to hide something under the front seat of the vehicle. GUSTAFSON told officers that he was on probation for possession of methamphetamine and that he had a syringe of meth in his pocket. GUSTAFSON was taken to jail where officers found two syringes and a small amount of marijuana on him. GUSTAFSON was arrested producing a fraudulent driver's license and giving an alias name.

After GUSTAFSON was transported to the Cascade County Detention Center, a search warrant was secured to search his car. Officers discovered stolen personal checks and a loaded J. Stevens Model 107 16-gauge shotgun with no serial number. The shotgun had been cut down to an overall length of 20 inches and a barrel length of 12½ inches. A shotgun of this length is required to be registered in the National Firearms Registration and Transfer Record. No such registration exists for this shotgun.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that GUSTAFSON will likely serve **all** of the time imposed by the court. In the federal system, GUSTAFSON does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl Rostad prosecuted this case for the United States.

The investigation was a cooperative effort between the Great Falls Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

ERIC STEPHEN HADNOTT

ERIC STEPHEN HADNOTT, age 26, was sentenced to a term of:

- Prison: 41 months
- Special Assessment: \$100.00
- Supervised Release: 3 years

HADNOTT was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On May 3, 2001, HADNOTT was convicted of felony escape and felony criminal possession of dangerous drugs in the Eleventh Judicial District Court in Flathead County.

During January of 2005, officers with the Great Falls Police Department were investigating allegations that a robbery of Lucky Lil's Casino was being planned.

On January 11, 2005, the High Risk Unit of the police department staked out a residence in Great Falls in conjunction with that investigation. HADNOTT and another male drove up to the residence during the stakeout and were arrested.

At the time of his arrest, HADNOTT was armed with a loaded Heckler & Koch .40 caliber pistol. The serial number had been filed away. HADNOTT was still on parole at the time and was prohibited from possessing firearms.

During questioning, HADNOTT admitted to possessing and carrying the pistol.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that HADNOTT will likely serve **all** of the time imposed by the court. In the federal system, HADNOTT does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called "*Catch and No Release.*"

LEON HARLSON

LEON HARLSON, age 35, was sentenced to a term of:

- Prison: 37 months
- Special Assessment: \$100
- Supervised Release: 3 years

HARLSON was sentenced in connection with his guilty plea to felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that HARLSON was a prohibited person, having been previously convicted of felony theft in Oregon in 1995.

On December 28, 2003, HARLSON was a passenger in a vehicle from which a handgun was recovered, specifically, a Hi-Point C9 semi-automatic pistol, 9 mm caliber. The gun was recovered from underneath the seat where HARLSON was sitting in the vehicle. HARLSON also made recorded phone calls from the detention facility and these phone calls confirmed his possession of the firearm.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that HARLSON will likely serve **all** of the time imposed by the court. In the federal system, HARLSON does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

DANIEL WAYNE HARVEY

DANIEL WAYNE HARVEY, a 40-year-old resident of Laurel, was sentenced to a term of:

- Prison: 24 months, concurrent with another sentence
- Special Assessment: \$100
- Supervised Release: 3 years

HARVEY was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On May 12, 2004, HARVEY was convicted and sentenced for felony criminal endangerment in Montana District Court.

On October 9, 2005, an officer with the Laurel Police Department responded to a complaint at an apartment regarding two intoxicated persons, one male and one female, with the female possibly suicidal. Upon the officer’s arrival, the landlord met the officer outside of the apartment and informed the officer that HARVEY had a rifle.

Upon the officer’s request, HARVEY came out of the apartment and gave the officer the Remington Enfield Model 17, .30-06 rifle.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that HARVEY will likely serve **all** of the time imposed by the court. In the federal system, HARVEY does have the opportunity to earn a sentence reduction for

“good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was a cooperative effort between the Laurel Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

LUKE ALDON HAYES

LUKE ALDON HAYES, a 24-year-old resident of Missoula, was sentenced to a term of:

- Prison: 30 months
- Special Assessment: \$300
- Supervised Release: 3 years

HAYES was sentenced in connection with his guilty plea to three counts of possession of unregistered weapons.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that law enforcement officers responded to a one vehicle accident on July 5, 2003, on Highway 200 near Missoula. The officers found the driver, HAYES, and others waiting emergency personnel. The car had rolled and a variety of items from inside the car were scattered across the roadway. Among the items were large quantities of ammunition for a variety of weapons. Officers noticed shotgun shells, .22 caliber rounds, and ammunition suitable for an SKS. Officers also found a .38 caliber pistol and a short-barreled shotgun. The shotgun had a pistol grip and later analysis showed that the barrel had been shortened to 14 inches.

Inside the car, on the floor of the driver’s side, officers saw what appeared to be a hand grenade. The grenade appeared to be live, with what seemed to be a fuse screwed into the bottom and two pins on the top. Sheriff’s deputies, specially trained in the handling of explosive devices, were called in to determine what could be done with the grenade. Officers fired a nonexplosive, non-penetrating “disruptor” at the grenade. When the disruptor round hit the grenade, the grenade exploded, blowing a hole in the floor board.

When questioned, HAYES admitted purchasing the shotgun and putting a pistol grip on it. He also admitted he had purchased a number of hand grenade shells.

An informant working with law enforcement agents told the agents he had received a hand grenade from HAYES in exchange for methamphetamine and money and that the two of them had gone out to the woods together and exploded it.

Officers searched the car later and found a variety of guns and gun parts. Among the parts was a receiver assembly for a Bushmaster AR-15 rifle. The assembly also contained a drop-in auto sear. The drop-in auto sear is a device that is designed to convert an AR-15, normally a semiautomatic weapon, into a fully automatic weapon. With other readily available parts, the device could be used to make a fully functioning machine gun. In addition to the gun parts, the officers found a variety of manuals describing how to convert various semiautomatic weapons into fully automatic weapons.

The sawed-off shotgun was capable of being fired, and analysis of the remains of the grenade demonstrated that its chemistry was that of an explosive device. Nitroglycerin was present on the remaining fragments and its design showed that it was intended to be an explosive device and was capable of producing a blast that could have caused property destruction, serious bodily injury, or death. None of the weapons in question was properly registered to HAYES.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that HAYES will likely serve **all** of the time imposed by the court. In the federal system, HAYES does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was a cooperative effort between the Missoula County Sheriff’s Office and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

CHARLES WAYNE HAZLETT

CHARLES WAYNE HAZLETT, a 30-year-old resident of Butte, was sentenced to a term of:

- Prison: 32 months, concurrent with another sentence
- Special Assessment: \$100
- Supervised Release: 3 years

HAZLETT was sentenced in connection with his guilty plea to possession of stolen firearms and possession of a sawed-off shotgun.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On October 19, 2004, officers from the Butte Silver Bow Law Enforcement Department received a report of a burglary at a residence in Ramsay, Montana. The victim reported that he suspected HAZLETT.

On October 20, 2004, an officer spotted HAZLETT'S pickup truck in the parking lot of a pawn shop in Butte. The officer initiated a traffic stop on the vehicle and HAZLETT was arrested for suspicion of burglary. After obtaining a search warrant for HAZLETT'S pickup truck, officers found two rifles, both of which had been stolen during the burglary in Ramsay.

On December 15, 2004, HAZLETT was contacted by the Southwest Montana Drug Task Force. HAZLETT consented to a search of his vehicle and the search revealed a 12 gauge shotgun with a barrel approximately 15.5 inches in length.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that HAZLETT will likely serve **all** of the time imposed by the court. In the federal system, HAZLETT does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

CHARLES JOHN HENRY, JR.

CHARLES JOHN HENRY, JR., a 39-year-old resident of Havre, was sentenced to a term of:

- Prison: 33 months
- Special Assessment: \$ 100.00
- Supervised Release: 3 years

HENRY was sentenced in connection with his guilty plea to being an unlawful user of a controlled substance in possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on February 24, 2005, a search warrant was conducted at HENRY'S residence in Havre. HENRY'S girlfriend was present. Marijuana plants were found in the second floor closet. Syringes were found in the second floor bathroom and in a desk drawer of the living room on the main floor. A small baggie of marijuana was also found inside the desk. On the desk was a balance beam scale. Next to the desk was a Marlin, .22 caliber rifle. Additional items found included drug paraphernalia (syringes, spoons, light bulb pipe), ammunition of .22, .357, and .45 caliber, and marijuana seeds and parts. The girlfriend stated the marijuana plants belonged to HENRY and that

HENRY used both marijuana and methamphetamine. She stated the syringes belonged to HENRY as well for his methamphetamine use.

A couple weeks of prior, on February 6, 2005, the Hill County Sheriff's Office responded five times to HENRY'S residence, as HENRY was complaining that someone was outside or on top of his residence. No individual either outside or on top of HENRY'S roof was located.

On the night of February 22, 2005, a Havre Police officer stopped a pickup truck that had no illuminated tail lights. HENRY was driving the borrowed vehicle, which belonged to two Havre residents. Another individual was riding in the passenger seat. HENRY provided both verbal and written consent to search the vehicle. Underneath the driver's seat was found a black nylon case containing two baggies of marijuana, one baggie of crystal methamphetamine, four syringes, Q-tips, razor blade, Visine bottle, and a glass pipe with residue. HENRY was arrested.

On February 25, 2005, an agent with the Tri-Agency Drug Task Force went to the Hill County Detention Center to obtain a DNA sample from HENRY to compare to the syringes seized in the search and found in the truck. HENRY admitted that the black case found in the truck was his and that he had started using methamphetamine again. HENRY showed the agent the needle marks on his arm.

The rifle seized from HENRY'S residence is operable and manufactured outside the State of Montana.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that HENRY will likely serve **all** of the time imposed by the court. In the federal system, HENRY does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was a cooperative effort between the Tri-Agency Drug Task Force and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

PHONG HOANG

PHONG HOANG, a 25-year-old resident of Orange County, California, was sentenced to a term of:

- Prison: 12 months
- Special Assessment: \$200
- Supervised Release: 2 years

HOANG was sentenced in connection with his guilty plea to violations of the Arms

Export Control Act.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

HOANG'S co-defendants, Dwain Rouse and Kellen Johnson, were members of the 819th Red Horse Squadron, at Malmstrom AFB. HOANG was a former member of that unit living in Canada.

On November 14, 2004, Canada Customs recorded a vehicle registered to HOANG as crossing from the United States into Canada.

On November 16, 2004, Rouse purchased two Ruger, Model P95, 9mm pistols from Big Bear Sports Center in Great Falls. As part of that acquisition, Rouse was required to represent that he was the "actual buyer" meaning that he was buying the firearms for his own personal use and not on behalf of another person.

Soon thereafter, Rouse sold the two Ruger Model P95, 9mm pistols and a Ruger, Model P90, .45 pistol to HOANG.

On November 18, 2004, Rouse's Buick Electra was reported by DHS-CBP to have crossed from Canada into the United States.

On January 26, 2005, Rouse and Johnson purchased two pistols each from Big Bear Sports Center in Great Falls. Rouse purchased a Ruger, Model P95, 9mm pistol and a Smith & Wesson, Model SW9VE, 9mm pistol. Johnson purchased a Taurus, Model PT92, 9 mm pistol and a Ruger, Model P97, .45 pistol. As part of that acquisition, Rouse was required to represent that he was the "actual buyer" meaning that he was buying the firearms for his own personal use and not on behalf of another person.

Johnson admitted that he was paid \$100 by Rouse to purchase the two handguns. Rouse and Johnson then drove to Lethbridge, Alberta, Canada, where they delivered the four handguns to HOANG.

On July 12, 2005, the Smith & Wesson 9mm pistol was recovered from a member of an Asian gang known as "FOB" ('Fresh Off the Boat') by the Calgary, Alberta Police Service Gang Unit.

Johnson and Rouse pled guilty to and were sentenced on federal charges.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that HOANG will likely serve **all** of the time imposed by the court. In the federal system, HOANG does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Great Falls Police Department.

JAMES HUMPHREY

JAMES HUMPHREY was sentenced to a term of:

- Prison: 46 months
- Special Assessment: \$100
- Supervised Release: 3 years

HUMPHREY was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on February 15, 2005, a Billings Police detective attempted a traffic stop of a vehicle driven by HUMPHREY. The detective knew HUMPHREY was a convicted felon under supervision by the State of Montana with an active warrant for his arrest for having absconded from probation. HUMPHREY had been convicted of being in possession of a firearm and ammunition on September 19, 2000.

HUMPHREY did not stop, but fled to Riverfront Park, ran from the vehicle, jumped into the river and swam to an island. HUMPHREY was eventually recovered from the island and was found to be in possession of numerous baggies of methamphetamine. Probation officers conducted a probation search of his vehicle and located a loaded firearm. Further investigation showed the firearm was reported stolen.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that HUMPHREY will likely serve **all** of the time imposed by the court. In the federal system, HUMPHREY does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was conducted by the Billings Police Department.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

RORY JOSHUA HYNES

RORY JOSHUA HYNES, a 20-year-old resident of Belgrade, was sentenced to a term of:

- Prison: 4 months
- Special Assessment: \$100
- Supervised Release: 3 years

HYNES was sentenced in connection with his guilty plea to possession of a firearm in a school zone.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On February 15, 2005, HYNES possessed a .22 caliber Smith & Wesson pistol and shot out a car window at the Belgrade High School parking lot.

Upon questioning by law enforcement, HYNES admitted possessing the Smith & Wesson .22 caliber pistol and shooting out the victim's car window at the Belgrade High School parking lot.

Surveillance footage of the parking lot would have shown HYNES' vehicle circling the parking lot, parking next to the victim's vehicle, and shattering the window.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that HYNES will likely serve **all** of the time imposed by the court. In the federal system, HYNES does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was conducted by the Belgrade Police Department, the Federal Bureau of Investigation, and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called "*Catch and No Release.*"

SIMON JACOBSON

SIMON JACOBSON, age 21, was sentenced to a term of:

- Prison: 37 months
- Special Assessment: \$100
- Supervised Release: 3 years

JACOBSON was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 11, 2004, JACOBSON was sentenced in Montana District Court for felony burglary.

JACOBSON left the jurisdiction while on supervision, leading to the issuance of a warrant for his arrest.

On or about February 24, 2005, JACOBSON stole a 2003 Honda Civic.

In the early morning hours of March 6, 2005, the stolen vehicle was stopped by a Montana Highway Patrol officer near Billings. JACOBSON was the front seat passenger in the stolen vehicle.

The officer determined that JACOBSON was a fugitive and that the vehicle had been reported as stolen. A search warrant was obtained and a backpack with the initials "SJ" on the outside was recovered during the search. An Auto Ordnance Model 1911 .45 caliber semi-automatic pistol loaded with five rounds of ammunition was found in the backpack.

Upon questioning, JACOBSON admitted that the firearm was his. JACOBSON later pled guilty to felony theft of the vehicle as well.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that JACOBSON will likely serve **all** of the time imposed by the court. In the federal system, JACOBSON does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Montana Highway Patrol, and the City-County Special Investigation Unit in Billings.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and

gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

GRANT DOUGLAS JARVIE

GRANT DOUGLAS JARVIE, a 47-year-old resident of Jordan, was sentenced to a term of:

- Prison: 10 months
- Special Assessment: \$100
- Supervised Release: 3 years

JARVIE was sentenced in connection with his guilty plea to being in possession of a firearm after having been committed to a mental institution.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On June 28, 2004, JARVIE attempted to enter the United States at the Port of Roosville, after having been refused entry into Canada. During a border inspection, he admitted to Customs and Border Protection officers that he had two firearms and approximately \$26,000 in U.S. currency in his vehicle.

Two firearms, a Remington .22 caliber rifle and a Fabrica de Arms 8 mm rifle, were recovered from JARVIE’S vehicle.

A search of JARVIE’S criminal history revealed that on October 7, 1981, he was found not guilty of homicide by reason of mental illness and committed to the Utah State Hospital.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that JARVIE will likely serve **all** of the time imposed by the court. In the federal system, JARVIE does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

JESSE JAMES JIMISON

JESSE JAMES JIMISON, an 18-year-old resident of Sidney, was sentenced to a term of:

- Prison: 120 months
- Special Assessment: \$100
- Supervised Release: 3 years

JIMISON was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On March 11, 2002, JIMISON was convicted of criminal possession of dangerous drugs with the intent to distribute in the Montana Seventh Judicial District Court. This was a felony conviction based upon marijuana trafficking.

On September 21, 2004, while JIMISON was still under court supervision following the felony conviction, he burglarized a residence near Sidney. During the burglary, JIMISON stole three firearms: (1) a Smith and Wesson, Model 422, .22 Long Rifle caliber, semi-automatic pistol; (2) a Browning, A-bolt, 7mm Remington Magnum caliber, bolt-action rifle; and, (3) a Ruger, Model M77, .30-06 Springfield caliber, bolt-action rifle.

Later on September 21, 2004, after assaulting his girlfriend, JIMISON drove her vehicle to the residence of an acquaintance of his near Wibaux. He had the stolen firearms with him in the vehicle when he arrived at the residence.

Upon arriving at the residence at about 1:00 p.m., JIMISON approached the acquaintance and asked to use a telephone. JIMISON then told the acquaintance that he had been on the run for months; that he thought he had just killed his girlfriend; and that he had stolen some guns to shoot it out with the police. The acquaintance became frightened and told his wife to go downstairs with their baby and to grab a pistol.

JIMISON used one of the acquaintance's telephones for the rest of the day. At approximately 9:00 p.m., the acquaintance's wife, using a cell phone, was able to call a dispatcher and requested assistance.

However JIMISON left the residence with another individual prior to the arrival of law enforcement personnel. The stolen firearms were subsequently recovered from the vehicle JIMISON had been driving.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that JIMISON will likely serve **all** of the time imposed by the court. In the federal system, JIMISON does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Craig W. Haller prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Richland County Sheriff's Office, the Sidney Police Department, and the Wibaux County Sheriff's Office.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called "*Catch and No Release.*"

KELLEN LAMON JOHNSON

KELLEN LAMON JOHNSON, a 24-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 60 months, concurrent with the sentence in CR 05-169-GF
- Special Assessment: \$100
- Supervised Release: 3 years

JOHNSON was sentenced in connection with his guilty plea to a violation of the Arms Export Control Act.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

JOHNSON and co-defendant Dwain Rouse were members of the 819th Red Horse Squadron, at Malmstrom AFB. Another co-defendant, Phong Hoang, was a former member of the squadron unit living in Canada.

On November 14, 2004, Canada Customs recorded a vehicle registered to Hoang as crossing from the United States into Canada.

On November 16, 2004, Rouse purchased two Ruger, Model P95, 9mm pistols from Big Bear Sports Center in Great Falls. As part of that acquisition, Rouse was required to represent that he was the "actual buyer" meaning that he was buying the firearms for his own personal use and not on behalf of another person.

Soon thereafter Rouse sold the two Ruger Model P95, 9mm pistols and a Ruger, Model P90, .45 pistol, serial number 66167732, to Hoang.

On November 18, 2004, Rouse's vehicle was reported by DHS-CBP to have crossed from Canada into the United States.

On January 26, 2005, Rouse and JOHNSON purchased two pistols each from Big Bear

Sports Center in Great Falls. Rouse purchased a Ruger, Model P95, 9mm pistol and a Smith & Wesson, Model SW9VE, 9mm pistol. JOHNSON purchased a Taurus, Model PT92, 9 mm pistol and a Ruger, Model P97, .45 pistol. As part of that acquisition, Rouse was required to represent that he was the “actual buyer.”

JOHNSON admitted that he was paid \$100 by Rouse to purchase the two handguns. Rouse and JOHNSON then drove to Lethbridge, Alberta, Canada, where they delivered the four handguns to Hoang.

On July 12, 2005, the Smith & Wesson 9mm pistol was recovered from a member of an Asian gang known as “FOB” (‘Fresh Off the Boat’) by the Calgary, Alberta Police Service Gang Unit.

Rouse and Hoang pled guilty to federal charges and are awaiting sentencing.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that JOHNSON will likely serve **all** of the time imposed by the court. In the federal system, JOHNSON does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, the Great Falls Police Department, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Bureau of Immigration and Customs Enforcement, the United States Secret Service, and the Air Force Office of Special Investigations.

ROBERT SHAWN JOHNSTON

ROBERT SHAWN JOHNSTON, a 37-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 33 months
- Special Assessment: \$100
- Supervised Release: 3 years

JOHNSTON was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On June 4, 2003, JOHNSTON was convicted of the offense of tampering with physical evidence, a third degree felony, in the Twelfth Judicial Circuit Court in Florida.

On December 19, 2005, an individual who lived on Smelter Avenue in Cascade County was awakened by a disturbance outside his home.

The individual would have testified that he saw two men fighting, one of whom he later identified as JOHNSTON. The individual would have testified that he then confronted JOHNSTON and the other man, at which time JOHNSTON pointed a handgun at him. The individual retreated into his home and called the police. JOHNSTON and the other man then left the scene.

A Cascade County deputy sheriff responded to the scene of the altercation and arrested JOHNSTON at a nearby residence.

The individual who had been fighting with JOHNSTON would have testified that at some point prior to December 19, 2005, he borrowed a Hi-Point 9mm pistol. He would have further testified that earlier on December 19, 2005, he, JOHNSTON, and other acquaintances had driven around in a car and that he had the pistol in the car.

The individual would have further testified that he and JOHNSTON subsequently engaged in a fight on Smelter Avenue and when an individual living on Smelter Avenue attempted to stop the fight, JOHNSTON displayed the firearm.

The individual would also have testified that he and JOHNSTON then fled the scene and that after he retrieved the gun from JOHNSTON, he returned to his home where he hid the gun in a false ceiling in his home.

On December 30, 2005, an agent with the Bureau of Immigration and Customs Enforcement and other law enforcement officers conducted a search of this individual's residence. A Hi-Point 9mm pistol was found in a false ceiling of the residence during the course of the search.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that JOHNSTON will likely serve **all** of the time imposed by the court. In the federal system, JOHNSTON does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called "*Catch and No Release.*"

JOHN KARAGOS

JOHN KARAGOS, age 51, was sentenced to a term of:

- Prison: 4 years and 5 months
- Special Assessment: \$200
- Supervised Release: 3 years

KARAGOS was sentenced in connection with his guilty plea to making false statements during an attempted firearm purchase and being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that KARAGOS was convicted of a felony offense in Ohio on March 23, 1994. On about September 13, 2004, in Billings, KARAGOS, attempted to purchase a firearm from Premier Pawn. On the ATF Firearms Transaction Record form 4473, KARAGAS stated he was not convicted in any court of a felony.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that KARAGOS will likely serve **all** of the time imposed by the court. In the federal system, KARAGOS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette Stewart prosecuted this case for the United States.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

JONATHAN ARTHUR KROENKE

KROENKE, a 21-year-old resident of Helena, was sentenced to a term of:

- Prison: 16 months
- Special Assessment: \$100
- Supervised Release: 3 years

KROENKE was sentenced in connection with his guilty plea to possession of stolen firearms.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Between March 7, 2005, and March 25, 2005, two residences in Jefferson County and one in Lewis and Clark County were burglarized and several firearms were stolen.

During the investigation of these burglaries, law enforcement officers identified KROENKE, Thomas Wayne Effertz, and William John Willcutt as suspects and they were arrested.

KROENKE was interviewed and admitted that he had stored some of the stolen firearms in his gun safe at his residence. On April 1, 2005, law enforcement officers took the stolen firearms into their custody from KROENKE.

Effertz and Willcutt pled guilty and have been sentenced on federal charges.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that KROENKE will likely serve **all** of the time imposed by the court. In the federal system, KROENKE does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorneys Paulette L. Stewart and Joseph E. Thaggard prosecuted these cases for the United States.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

STEPHEN SCOTT LAFAZIA

STEPHEN SCOTT LAFAZIA, a 23-year-old resident of Billings, was sentenced to a term of:

- Prison: 21 months
- Special Assessment: \$100
- Supervised Release: 3 years

LAFAZIA was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 12, 2004, LAFAZIA was convicted of theft by accountability and was under

probationary supervision by the Montana Department of Corrections.

On March 6, 2004, in Glendive, LAFAZIA possessed a Sig Sauer P220 .45 caliber pistol.

An expert witness would have testified that the firearm was manufactured in Germany and therefore traveled in or affected interstate commerce before LAFAZIA possessed it.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that LAFAZIA will likely serve **all** of the time imposed by the court. In the federal system, LAFAZIA does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

SHAWN THOMAS LEADFORD

SHAWN THOMAS LEADFORD, a 24-year-old resident of Black Eagle, was sentenced to a term of:

- Prison: 27 months
- Special Assessment: \$100
- Supervised Release: 3 years

LEADFORD was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On July 15, 1999, LEADFORD was convicted of the offense of unlawful driving away of a motor vehicle in the Tenth Judicial Circuit Court in Michigan.

On December 30, 2005, an agent with the Bureau of Immigration and Customs

Enforcement and other law enforcement officers conducted a search of a residence occupied by LEADFORD located in Cascade County. The search was conducted in order to recover evidence related to an assault which occurred on or about December 19, 2005. A Hi-Point 9mm pistol was found in a false ceiling of the residence during the course of the search.

Upon questioning, LEADFORD admitted the firearm was his.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that LEADFORD will likely serve **all** of the time imposed by the court. In the federal system, LEADFORD does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

JERRY MARJERRISON

JERRY MARJERRISON, a 54-year-old resident of Plains, was sentenced to a term of:

- Prison: 6 months for each count, to run concurrently, home arrest for 5 months with electronic monitoring
- Special Assessment: \$300
- Supervised Release: 3 years
- Forfeiture: firearms

MARJERRISON was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm and ammunition.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On September 13, 1983, in the United States District Court for the District of Montana, MARJERRISON was convicted of a federal crime punishable by imprisonment for a term exceeding one year.

In 2004, after receiving allegations that MARJERRISON was conducting an illegal outfitting operation, undercover agents began an investigation.

On July 13, 2004, undercover agents posing as hunters visited MARJERRISON'S residence to set up hunting trips for the coming fall to be outfitted by MARJERRISON. While making the hunting arrangements, MARJERRISON informed the agents that he had been "busted" about twenty years ago. He told them he had spent some time in prison and had lost his hunting privileges and the right to possess firearms.

During the course of a hunting trip from September 25, 2004, to September 29, 2004, MARJERRISON possessed a lever action Winchester .22 magnum rifle in the back seat of his vehicle while guiding the undercover agents on various hunts. On September 28, 2004, MARJERRISON used the Winchester .22 magnum rifle to shoot a squirrel out of a tree in his driveway.

During the course of a second hunting trip from November 14, 2004, to November 19, 2004, MARJERRISON possessed a Ruger stainless steel .270 rifle in the back seat of his vehicle while guiding the undercover agents on various hunts. On November 15, 2004, MARJERRISON showed the agents where he had killed a bull elk the previous year while hunting. MARJERRISON said he had used his Ruger 77 .270 rifle to shoot the elk and the distance to the elk was 374 yards. On November 16, 2004, MARJERRISON carried the Ruger 77 .270 rifle out in the field with the agents as they hunted for deer.

Upon execution of a search warrant at MARJERRISON'S residence on January 28, 2005, the Ruger 77 .270 rifle which was loaded with three rounds ammunition, was seized from MARJERRISON'S pickup along with three .270 bullets. The Winchester 9422M .22 magnum rifle, containing 8 rounds of ammunition, was seized from MARJERRISON'S bedroom closet.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that MARJERRISON will likely serve **all** of the time imposed by the court. In the federal system, MARJERRISON does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the U.S. Fish and Wildlife Service.

KENNETH ROSS MELBY

KENNETH ROSS MELBY, a 49-year-old resident of Kalispell and Libby, was sentenced to a term of:

- Prison: 40 months
- Special Assessment: \$100
- Supervised Release: 3 years

MELBY was sentenced after having been found guilty during a 1½ day trial of being a felon-in-possession of a firearm.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that MELBY will likely serve **all** of the time imposed by the court. In the federal system, MELBY does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorneys Paulette Stewart and Timothy J. Racicot prosecuted this case for the United States.

The investigation was a cooperative effort between the Bureau of Alcohol, Tobacco, Firearms and Explosives, Montana Probation and Parole, and the Lincoln County Sheriff’s Office.

ADAM MILLER

ADAM MILLER, age 33, was sentenced to a term of:

- Prison: 24 months
- Special Assessment: \$100
- Supervised Release: 3 years

MILLER was sentenced in connection with his guilty plea to being an unlawful user of a controlled substance in possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on about February 10, 2003, MILLER was a passenger in his vehicle which was stopped by a Billings police officer for an equipment violation. The officer observed MILLER attempt to hide something in the rear of the vehicle. After conducting a records check on the occupants, the officer placed the driver of the vehicle under arrest for a driving violation. The officer noted MILLER had taken off a jacket and further covered an item in the rear of the vehicle. The officer ran his canine around the vehicle and the canine alerted to the presence of narcotics odors. The officer obtained a search warrant. During a search of the vehicle, the officer located a sawed-off shotgun in the rear of the car under MILLER’S coat. Inside MILLER’S coat, the officer found methamphetamine.

Further investigation revealed that MILLER was known to law enforcement to be a persistent user or addict to narcotics, including methamphetamine. Investigators took

statements from numerous people who stated they used drugs with and observed MILLER use methamphetamine, dating back to approximately the spring of 2002.

The confiscated firearm was a Winchester 1300 12 ga. pump shotgun with a barrel length of 18½ inches. The shotgun was operational and manufactured outside the State of Montana.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that MILLER will likely serve **all** of the time imposed by the court. In the federal system, MILLER does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was conducted by the Billings Police Department.

CHRISTOPHER ROBERTSON

CHRISTOPHER ROBERTSON, a 19-year-old resident of Billings, was sentenced to a term of:

- Prison: 6 months
- Special Assessment: \$100
- Restitution: \$890
- Supervised Release: 3 years

ROBERTSON was sentenced in connection with his guilty plea to possession of a firearm in a school zone.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On April 15, 2005, ROBERTSON became involved in an altercation in the parking lot of Senior High School in Billings. ROBERTSON took out a handgun and fired several shots in the parking lot. When he fired, ROBERTSON struck the vehicle he was riding in at least once, causing approximately \$805 in damage.

Following an investigation, ROBERTSON was identified as the suspect and interviewed by law enforcement. Upon questioning, ROBERTSON admitted to possessing the firearm in the school zone. ROBERTSON identified the firearm as a Hi-Point 9mm semi-automatic handgun.

Witnesses would have testified that ROBERTSON was in the parking lot and discharged the firearm at least twice.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that ROBERTSON will likely serve **all** of the time imposed by the court. In the federal system, ROBERTSON does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

CHAD C. ROTHACHER

CHAD C. ROTHACHER, a 32-year-old resident of Big Sky, was sentenced to a term of:

- Probation: 5 years
- Special Assessment: \$100
- Fine: \$75,000

ROTHACHER was sentenced in connection with his guilty plea to being a felon-in-possession of firearms.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On April 15, 1994, ROTHACHER was convicted of mitigated deliberate homicide in Flathead County by the State of Montana, Cause No. DC-93-026B.

On October 27, 2004, Montana Probation and Parole officers conducted a probation search at ROTHACHER’S residence in Big Sky. At the time, ROTHACHER was under state supervision for the mitigated deliberate homicide he was convicted of in 1994.

During the search, officers observed a pistol on the kitchen counter. A rifle was located in ROTHACHER’S bedroom and another was located in his vehicle. Nine other firearms were located in the attic of ROTHACHER’S residence. The officers recovered a total of twelve firearms during the search. The twelve firearms recovered were: a Norinco, 7.62 x 39mm semi-automatic rifle; a Browning, .22 caliber semi-automatic rifle; a Lanber Arms, 12 gauge shotgun; a Stevens, .308 caliber rifle; a Browning, 12 gauge shotgun; a Benelli, 12 gauge shotgun; a Savage, 20 gauge shotgun; a Browning, 12 gauge shotgun; a Ruger, .44 magnum revolver; a IML, .44 caliber pistol; a Ruger, .357 magnum revolver; and a Ruger, .44 magnum revolver.

ROTHACHER stated to the officers that alcohol and firearms were a part of his life before his conviction and continue to be a part of his life. ROTHACHER further stated that he knew it was a matter of time before he was caught.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that ROTHACHER will likely serve **all** of the time imposed by the court. In the federal system, ROTHACHER does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Alcohol, Tobacco, Firearms and Explosives and Montana Probation and Parole.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

DWAIN ROUSE

DWAIN ROUSE, a 22-year-old resident of Kingstree, South Carolina, and Malmstrom Air Force Base, was sentenced to a term of:

- Prison: 27 months, concurrent with other sentences

ROUSE was sentenced in connection with his guilty plea to violations of the Arms Export Control Act.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

ROUSE and co-defendants Kellen Johnson were members of the 819th Red Horse Squadron, at Malmstrom AFB. Another co-defendant, Phong Hoang, was a former member of the squadron unit living in Canada.

On November 14, 2004, Canada Customs recorded a vehicle registered to Hoang as crossing from the United States into Canada.

On November 16, 2004, ROUSE purchased two Ruger, Model P95, 9mm pistols, serial numbers 315-56804 and 315-40246 from Big Bear Sports Center in Great Falls, Montana. As part of that acquisition, ROUSE was required to represent that he was the “actual buyer” meaning that he was buying the firearms for his own personal use and not on behalf of another person.

Soon thereafter, ROUSE sold the two Ruger Model P95, 9mm pistols and a Ruger, Model P90, .45 pistol, serial number 66167732 to Hoang.

On November 18, 2004, ROUSE'S Buick Electra was reported by DHS-CBP to have crossed from Canada into the United States.

On January 26, 2005, ROUSE and Johnson purchased two pistols each from Big Bear Sports Center in Great Falls. ROUSE purchased a Ruger, Model P95, 9mm pistol, serial number 315-60060 and a Smith & Wesson, Model SW9VE, 9mm pistol, serial number PBR023. Johnson purchased a Taurus, Model PT92, 9 mm pistol, serial number TWH01158 and a Ruger, Model P97, .45 pistol, serial number 663-65679. As part of that acquisition, ROUSE was required to represent that he was the "actual buyer" meaning that he was buying the firearms for his own personal use and not on behalf of another person.

Johnson admitted that he was paid \$100 by ROUSE to purchase the two handguns. ROUSE and Johnson then drove to Lethbridge, Alberta, Canada, where they delivered the four handguns to Hoang.

On July 12, 2005, the Smith & Wesson 9mm pistol was recovered from a member of an Asian gang known as "FOB" ('Fresh Off the Boat') by the Calgary, Alberta Police Service Gang Unit.

Johnson and Hoang pled guilty and have been sentenced on federal charges.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that ROUSE will likely serve **all** of the time imposed by the court. In the federal system, ROUSE does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Great Falls Police Department, the United States Secret Service, and the Air Force Office of Special Investigations.

SHANE SAVAGE

SHANE SAVAGE, a 38-year-old resident of Bozeman, was sentenced to a term of:

- Prison: 120 months, concurrent with his state sentence but consecutive to all other previously imposed federal sentences
- Special Assessment: \$200
- Supervised Release: 3 years

SAVAGE was re-sentenced in connection with his guilty plea to possession of an unregistered firearm and possession of a firearm with no serial number. SAVAGE'S original sentence was appealed to the Ninth Circuit Court of Appeals. The sentence was reversed and remanded back to U.S. District Court for re-sentencing.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SAVAGE will likely serve **all** of the time imposed by the court. In the federal system, SAVAGE does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted this case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Bureau of Indian Affairs.

GARY DEAN SCHNORTZ

GARY DEAN SCHNORTZ, a 43-year-old resident of Bozeman, was sentenced to a term of:

- Prison: 15 months
- Special Assessment: \$100
- Supervised Release: 3 years

SCHNORTZ was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 1, 1996, in the Circuit Court of the State of Oregon for Lane County, SCHNORTZ was convicted of felon-in-possession of a firearm.

On October 30, 2004, Broadwater County Sheriff's Office deputies stopped SCHNORTZ'S vehicle because it matched the description of a vehicle where the driver was involved in an assault and the vehicle's tail light was out. They ordered SCHNORTZ out of the vehicle. Two loaded rifles and a black powder pistol were discovered in the vehicle.

SCHNORTZ told the deputies that the rifles belonged to his wife. SCHNORTZ also told the deputies that he and a friend were out hunting. However, neither SCHNORTZ'S wife nor his friend were in the vehicle. SCHNORTZ was the driver and only occupant in the vehicle.

A fingerprint examination would have shown that SCHNORTZ'S fingerprints were found

on the guns.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that SCHNORTZ will likely serve **all** of the time imposed by the court. In the federal system, SCHNORTZ does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette Stewart and Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

MICHAEL RICHARD SIMINGTON

MICHAEL RICHARD SIMINGTON, a 28-year-old resident of Butte, was sentenced to a term of:

- Prison: 30 months
- Special Assessment: \$100
- Supervised Release: 3 years

SIMINGTON was sentenced in connection with his guilty plea to being an unlawful drug user in possession of firearms.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 31, 2000, SIMINGTON was convicted of misdemeanor domestic violence in Municipal Court in Helena.

On October 3, 2005, while at an apartment in Helena, SIMINGTON forced a 9mm pistol into an individual’s mouth. SIMINGTON then placed the 9mm pistol in his back pocket and left the apartment. A short time later SIMINGTON returned with a .22 rifle, and while standing in the doorway, fired multiple shots at and into the door of the apartment. One person’s lip was grazed before the apartment door was closed. SIMINGTON then fired additional shots after the door was closed.

In the early morning hours of October 4, 2005, Helena police officers recovered a Smith & Wesson 9mm pistol and a Ruger 10/22 .22 caliber rifle from SIMINGTON.

During a later interview, SIMINGTON stated to a police officer that he had left Butte the week before the incident due to his drug (methamphetamine) use. SIMINGTON also admitted to the officer that he had used hydrocodone prior to his possession of the firearms.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SIMINGTON will likely serve **all** of the time imposed by the court. In the federal system, SIMINGTON does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Helena Police Department, the Lewis and Clark Sheriff's Office, and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

MICKEY LEE SITTER

MICKEY LEE SITTER, a 27-year-old resident of Sidney, was sentenced to a term of:

- Prison: 24 months, to run concurrently with another sentence
- Special Assessment: \$100
- Supervised Release: 3 years

SITTER was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that during the early morning of June 13, 2004, two firearms were stolen from inside a Sidney resident's Ford Ranger that was parked on the side of the street in front of his home. One of the firearms was a .22 caliber rifle and the other was a .22 caliber revolver.

A sergeant with the Sidney Police Department participated in the investigation of theft. This investigation led to a conclusion that SITTER and a juvenile accomplice committed the crime.

SITTER was interviewed July 1, 2004, and during the interview SITTER admitted that he was involved in the theft of the firearms as well as the theft of other items from other vehicles in Sidney and Williston, North Dakota, on June 13, 2004.

According to SITTER, he was the driver of the vehicle in which the stolen items were placed. In addition, SITTER admitted that after the victim's firearms were stolen, SITTER drove to Williston and sold them for \$220 at a business named Scenic Sports.

During the interview, SITTER admitted he was previously convicted of a felony in North Dakota. In addition, SITTER admitted he was currently on probation as a result of the felony conviction and was on probation at the time the firearms were stolen. SITTER also conceded that he was not allowed to possess a firearm because he was a felon and on probation.

SITTER was under supervision on June 13, 2004, as a result of a North Dakota felony conviction. SITTER was convicted of issuing 74 insufficient funds checks within a 90-day period totaling \$3,340.13.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SITTER will likely serve **all** of the time imposed by the court. In the federal system, SITTER does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Craig W. Haller prosecuted the case for the United States.

The investigation was a cooperative effort between the Sidney Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called "*Catch and No Release.*"

RAYMOND PAUL SMITH

RAYMOND PAUL SMITH, age 35, was sentenced to a term of:

- Prison: 120 months
- Special Assessment: \$100
- Supervised Release: 3 years

SMITH was sentenced after having been found guilty during a 1-day trial of being a felon-in-possession of a firearm.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SMITH will likely serve **all** of the time imposed by the court. In the federal system, SMITH does have the opportunity to earn a sentence reduction for "good

behavior.” However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was a cooperative effort between the Billings Police Department and Montana Probation and Parole.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

CHARLES CHAMAS SOBOLEWSKI

CHARLES CHAMAS SOBOLEWSKI, a 35-year-old resident of Casper, Wyoming, was sentenced to a term of:

- Prison: 63 months, consecutive to a state sentence
- Special Assessment: \$100
- Supervised Release: 3 years

SOBOLEWSKI was sentenced in connection with his guilty plea to being a fugitive-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On July 3, 2004, Powell County Sheriff’s deputies were patrolling the parking lot of the I-90 truck stop near Deer Lodge when they observed SOBOLEWSKI sleeping on the ground next to a blue motorcycle. The deputies woke him and after identifying him as CHARLES CHAMAS SOBOLEWSKI, discovered he was the subject of two active felony warrants. SOBOLEWSKI’S record also contained a notice to officers to use caution because SOBOLEWSKI was known to carry a firearm.

SOBOLEWSKI was placed under arrest and his person and belongings were searched. During the search, the deputies discovered a loaded .38 caliber Smith & Wesson revolver that contained two hollow point bullets.

During a post-arrest interview with an ATF agent, SOLEWSKI admitted that he left Wyoming because he knew a warrant had been issued for his arrest in relation to an arson investigation.

Because there is no parole in the federal system, the “truth in sentencing” guidelines

mandate that SOBOLEWSKI will likely serve **all** of the time imposed by the court. In the federal system, SOBOLEWSKI does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

JESSE SIK STOTLER

JESSE SIK STOTLER, a 29-year-old resident of Glendive, was sentenced to a term of:

- Probation: 3 years
- Special Assessment: \$100.00

STOTLER was sentenced in connection with his guilty plea to felon-in-possession of a firearm. In an Offer of Proof filed by the United States, the government stated it would have proved at trial that STOTLER was convicted in 1995 in Kittitas County, Washington, of felony burglary in the second degree. He was sentenced to 45 days incarceration and 2 years of community supervision.

STOTLER subsequently moved to Glendive, Montana, where he lived with his girlfriend. STOTLER told her that, because of his felony conviction in Washington, he was not allowed to buy firearms, but he could possess them if she bought them for him. STOTLER then gained possession of four firearms through his girlfriend: a Savage, Model 16, 300 Winchester Short Magnum caliber, bolt-action rifle that was manufactured in Massachusetts; a Savage, Model 116, .270 caliber, bolt-action rifle that was manufactured in Massachusetts; a Marlin, Model 60, .22 caliber, semi-automatic rifle that was manufactured in Connecticut; and a Mossberg, Model 835 Ulti-mag, 12 gauge shotgun that was manufactured in Connecticut.

STOTLER went hunting and sport shooting with the firearms. The firearms were stored in a gun cabinet in STOTLER’S residence in Glendive.

Prior to May 18, 2004, STOTLER’S girlfriend petitioned for a restraining order to prevent him from making contact with her. A hearing was held on her petition on May

18, 2004, in Dawson County Justice Court. During this hearing, the court admonished STOTLER to relinquish possession of the firearms if he was not allowed to possess them. STOTLER then gave the firearms to a friend.

On October 25, 2004, an agent for Alcohol, Tobacco, Firearms and Explosives had a conversation with STOTLER about the firearms. At the beginning of the conversation, STOTLER stated that the firearms belonged to his father who occasionally came to Montana to hunt with the firearms. STOTLER stated the firearms were kept in a locked gun cabinet; his father had the only key to the cabinet; and STOTLER'S father kept the key when he returned to Washington.

Later in the conversation, STOTLER admitted he took the firearms from his residence and shot them at the range on several occasions. STOTLER also admitted that he hunted with firearms in 2002 and 2003.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that STOTLER will likely serve **all** of the time imposed by the court. In the federal system, STOTLER does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Craig Haller prosecuted the case for the United States.

The investigation was a cooperative effort between Alcohol, Tobacco, Firearms and Explosives, the Glendive Police Department, and the Dawson County Sheriff's Office.

DONNA ROBERTA STRYKER

DONNA ROBERTA STRYKER, a 33-year-old resident of Helena, was sentenced to a term of:

- Prison: 57 months, consecutive to another sentence
- Special Assessment: \$100
- Supervised Release: 3 years

STRYKER was sentenced in connection with her guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 31, 1999, in the Superior Court of the State of Washington, STRYKER was convicted of false verification of welfare.

On September 25, 2005, STRYKER was in possession of an SKS, Norinco Poly U.S.A. 7.62 x 39mm caliber semi-automatic rifle with an attached bayonet.

Witnesses would have testified that on that evening STRYKER and several friends planned to seek revenge for slashed tires. STRYKER carried her SKS rifle and planned to use the attached bayonet and her friends intended to use knives. After picking up a couple of associates and the situation calmed, the group proceeded to STRYKER'S residence.

After arriving at her residence but while still sitting in the vehicle, STRYKER attempted to engage the rifle's safety and the rifle discharged.

During a subsequent interview, STRYKER admitted she had bought the SKS rifle ten months earlier for \$100 from her boyfriend.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that STRYKER will likely serve **all** of the time imposed by the court. In the federal system, STRYKER does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette S. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Helena Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called "*Catch and No Release.*"

NEIL LEN TEETH

NEIL LEN TEETH, a 29-year-old resident of Busby, was sentenced to a term of:

- Prison: 63 months, consecutive to a prior sentence
- Special Assessment: \$100
- Supervised Release: 3 years

TEETH was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on January 5, 1998, TEETH was convicted of sexual intercourse without consent in the Sixteenth Judicial District Court in Rosebud County, Montana.

In August of 2004, while TEETH was under investigation for assault, his girlfriend disclosed that in June of 2004, she purchased a rifle from Ponderosa Pawn for TEETH'S use. TEETH'S possession and use of the rifle would have been verified by several witnesses.

The firearm was recovered from Lammers Trading Post where it had been pawned by TEETH'S girlfriend in July of 2004.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that TEETH will likely serve **all** of the time imposed by the court. In the federal system, TEETH does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Bureau of Indian Affairs.

WILLIAM EUGENE TURNER

WILLIAM EUGENE TURNER was re-sentenced to a term of:

- Prison: 15 years
- Special Assessment: \$100
- Supervised Release: 3 years

TURNER was originally sentenced in connection with his guilty plea on December 28, 2005, of being a felon-in-possession of a firearm. The re-sentencing hearing was held because TURNER qualified as a armed career criminal under the Armed Career Criminal Act. TURNER had at least three prior felony convictions which required a mandatory minimum 15 year sentence.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that TURNER will likely serve **all** of the time imposed by the court. In the federal system, TURNER does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed Zink prosecuted this case for the United States.

The investigation was a cooperative effort between the Big Horn County Sheriff's Office, the Montana Highway Patrol and Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a

partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

GEORGE WEEKS

GEORGE WEEKS, a 33-year-old resident of Laurel, was sentenced to a term of:

- Prison: 40 months
- Special Assessment: \$100
- Supervised Release: 3 years

WEEKS was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On March 31, 1993, WEEKS was convicted of conspiracy to distribute marijuana and distribution of marijuana in U.S. District Court in Montana. WEEKS was sentenced to 30 months in federal prison and because of the felony conviction, was prohibited from lawfully possessing firearms.

On May 20, 2005, the Yellowstone Bank in Laurel was robbed by a lone white male who presented a note to the teller. The robber walked away with \$3,998 in U.S. currency. Witnesses followed the robber and observed him get into a truck which had a distinctive color scheme and a teal license plate. Witnesses were able to get a partial license plate number before the man drove away.

On June 7, 2005, an anonymous male contacted the Laurel Police Department and informed them that the vehicle used in the robbery was currently located at WEEKS’ residence in Laurel. Subsequent investigation by the Laurel Police Department found that the pickup was not registered to WEEKS but did belong to WEEKS.

On June 9, 2005, pursuant to a search warrant, the Laurel Police Department searched WEEKS’ residence. A Llama, Max 1, .45 ACP caliber pistol; a Stevens 12 gauge shotgun; a Marlin Model 60 .22 caliber rifle; a Norinco SKS 7.62 caliber rifle and approximately 1,000 rounds of ammunition were recovered during the search.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that WEEKS will likely serve **all** of the time imposed by the court. In the federal system, WEEKS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was a cooperative effort between the Laurel Police Department, the Federal Bureau of Investigation, and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

BRYCE WIDNER

BRYCE WIDNER, a 20-year-old resident of Billings, was sentenced to a term of:

- Prison: 15 months
- Special Assessment: \$400
- Supervised Release: 3 years

WIDNER was sentenced in connection with his guilty plea to possession of a stolen firearm and possession of a firearm by an unlawful user and addict of controlled substances.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On April 18, 2006, Montana Probation and Parole officers conducted a search of a residence located at 3621 Montana Avenue #5. WIDNER was located inside the residence. On his person, the officers recovered 17 grams of marijuana.

On May 8, 2006, WIDNER was stopped for suspicious activity and traffic violations by Billings Police officers. During the stop, officers received consent to search WIDNER'S vehicle. Recovered in the search of the vehicle was a Beretta Model 21A .22 semi-auto pistol, ammunition and \$3,206 in currency. After the search of his vehicle, WIDNER admitted he used the money found in his vehicle to buy and sell marijuana. WIDNER stated that approximately \$2,000 of it was money owed to a man who already sold him approximately ½ pound of marijuana.

WIDNER was arrested on other charges and taken to the Yellowstone County Detention Facility where he gave a written statement to law enforcement. In the statement, WIDNER stated the firearm was stolen by a friend of his and given to WIDNER about a week before the search. Agents later confirmed the firearm was stolen.

On May 16, 2006, WIDNER met with agents and turned over another gun, a Jennings Bryco Model 58 .380 pistol. WIDNER had indicated this gun was also stolen. Agents later confirmed the firearm as stolen.

During the course of the investigation agents learned that WIDNER was a frequent user of marijuana before and contemporaneous with his possession of both firearms. In

addition, WIDNER had admitted to law enforcement to buying and selling marijuana,

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that WIDNER will likely serve **all** of the time imposed by the court. In the federal system, WIDNER does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Alcohol, Tobacco, Firearms and Explosives and the Billings Police Department.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

WILLIAM JOHN WILLCUTT

WILLCUTT, age 21, was sentenced to a term of:

- Prison: 46 months
- Special Assessment: \$100
- Supervised Release: 3 years

WILLCUT was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm while under information.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On December 21, 2004, WILLCUT was charged with felony theft in an information in the First Judicial District in Lewis and Clark County.

Between March 7, 2005, and March 25, 2005, two residences in Jefferson County and one in Lewis and Clark County were burglarized and several firearms were stolen.

During the investigation of these burglaries, law enforcement officers identified WILLCUT, Thomas Wayne Effertz, and Jonathan Arthur Kroenke as suspects and they were arrested.

Upon his arrest, WILLCUT was interviewed and admitted to his participation in the

burglaries and receiving the firearms.

Effertz and Kroenke pled guilty and have been sentenced on federal charges.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that WILLCUT will likely serve **all** of the time imposed by the court. In the federal system, WILLCUT does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorneys Paulette L. Stewart and Joseph E. Thaggard prosecuted these cases for the United States.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

LAWRENCE WILLETTE

LAWRENCE WILLETTE, age 30, was sentenced to a term of:

- Prison: 24 months, consecutive to another sentence
- Special Assessment: \$100
- Supervised Release: 3 years

WILLETTE was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On February 14, 2004, the Billings Police Department served a search warrant at a residence on Homer Davis Road in Billings. The search warrant was served subsequent to an investigation of WILLETTE and two others for burglary.

Prior to executing the search warrant, detectives had interviewed WILLETTE. WILLETTE confessed to the burglaries and also advised detectives that when they searched the residence and shop, they would find a green backpack with a 9mm pistol inside. WILLETTE provided the key to unlock the padlock on the backpack to the

detectives.

During the search of the residence on February 14, 2004, law enforcement located a green backpack, unlocked the padlock with the key provided by WILLETTE, and recovered a Hi Point, 9mm semi-automatic pistol.

At the time of the search, WILLETTE was on supervised release as a result of a federal conviction for wire fraud in April of 2001. WILLETTE admitted the 9mm pistol was his and that he knew he was a prohibited person.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that WILLETTE will likely serve **all** of the time imposed by the court. In the federal system, WILLETTE does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was a cooperative effort between the Billings Police Department, the Bureau of Alcohol, Tobacco, Firearms and Explosives, and the City-County Special Investigation Unit located in Billings.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called “*Catch and No Release.*”

ALLEN EARL WITHERALL

ALLEN EARL WITHERALL, a 23-year-old resident of Billings, was sentenced to a term of:

- Prison: 33 months
- Special Assessment: \$100
- Supervised Release: 3 years

WITHERALL was sentenced in connection with his guilty plea to being a felon-in-possession of a firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In the Thirteenth Judicial District Court of Yellowstone County, WITHERALL was

sentenced on November 7, 2002, on a felony charge of tampering with witnesses; and on November 17, 2002, he was sentenced on a felony theft charge.

On September 7, 2005, during a probation search of WITHERALL'S residence in Billings, Probation and Parole officers found WITHERALL in possession of a Hi-Point C9 9mm semi-auto pistol. As a convicted felon, WITHERALL was prohibited from possessing firearms.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that WITHERALL will likely serve **all** of the time imposed by the court. In the federal system, WITHERALL does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was a cooperative effort between Montana Probation and Parole and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called "*Catch and No Release.*"

SERGEI Y. ZOLOTOUKHINE

SERGEI Y. ZOLOTOUKHINE, a 24-year-old resident of Kalispell, was sentenced to a term of:

- Prison: 27 months for each of the two counts
- Special Assessment: \$200
- Supervised Release: 3 years

ZOLOTOUKHINE was sentenced after having been found guilty during a 2-day trial of being a felon-in-possession of a firearm and possession of a stolen firearm.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that ZOLOTOUKHINE will likely serve **all** of the time imposed by the court. In the federal system, ZOLOTOUKHINE does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering and Assistant U.S. Attorney Paulette L. Stewart prosecuted this case for the United States.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called "*Catch and No Release.*"

FRAUD

JAMES S. ADAIR

JAMES S. ADAIR, a 50-year-old resident of Missoula, was sentenced to a term of:

- Home Arrest: 6 months (with a 9:00 p.m. - 7:00 a.m. home curfew)
- Probation: 5 years (concurrent on all counts)
- Special Assessment: \$100
- Fine: \$10,000 at \$2,000/year
- Restitution: to be determined in civil litigation

ADAIR was sentenced in connection with his guilty plea to failure to make tax payments and failure to file tax returns.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

During the 1996 calendar year, ADAIR received gross income, and by law, was required to file a personal income tax return with the IRS on or before April 15, 1997. ADAIR did not file the return until March 17, 2000, and has not yet paid the tax due and owing in the amount of \$6,509 to the IRS.

During the quarters ending December 31, 1998, March 31, 1999, and June 30, 1999, ADAIR, owned entities known as JA Investments/Adair Jewelers. As such, ADAIR withheld employee federal taxes, including income taxes, social security taxes, and/or Medicare taxes.

By law, ADAIR was required to file Employers Quarterly Federal IRS 941 Forms on or before January 31, 1999, April 30, 1999, and July 31, 1999, stating the specific amount of withholding on behalf of his employees and to pay the said amounts to the IRS by

the respective dates above.

ADAIR failed to file the 941 Forms for all three quarters until March 2, 2000, and has not yet paid the withheld monies to the IRS.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that ADAIR will likely serve **all** of the time imposed by the court. In the federal system, ADAIR does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Kris A. McLean prosecuted the case for the United States.

The investigation was conducted by the Criminal Investigation Division of the Internal Revenue Service.

EDWINA PEARL ALDEN

EDWINA PEARL ALDEN, a 43-year-old resident of Crow Agency, ALDEN was sentenced to a term of:

- House Arrest: 10 months
- Special Assessment: \$200
- Restitution: \$19,838
- Supervised Release: 3 years

ALDEN was sentenced in connection with her guilty plea to wire fraud and federal education assistance fraud.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On February 11, 2005, agents received a complaint from the Financial Aid Office of Salish Kootenai College in Pablo which suspected that on an application for financial assistance, ALDEN had falsified multiple Free Applications for Federal Student Aid by stating she received her General Educational Development (GED) certificate when she had not. Additionally, it was suspected that ALDEN had submitted a falsified GED certificate from the State of Washington in support of her application for financial aid on September 26, 2001.

Investigators reviewed information from the National Student Loan Data System (NSLDS) records and determined that between 1995 and 2005 ALDEN had received Pell Grants, FFSEO Grants, and Stafford Loan funds administered by the U.S. Department of Education, various Indian Health Service grants, administered by the Salish Kootenai College and provided by the Department of Health and Human Services, and had received and attempted to receive grants and scholarships

administered by the Crow Tribe with money provided by the U.S. Department of Interior.

College documents received from the Salish Kootenai College and Little Big Horn College in Crow Agency revealed ALDEN had filed her Free Applications for Federal Student Aid representing, as required for federal student aid, that she was in possession of either a high school diploma or GED, making her eligible for student aid. Financial Aid award letters received from the Salish Kootenai College indicated ALDEN also received financial assistance from the U.S. Departments of Health and Human Services and Education, and had received or attempted to receive tribal funds provided by the U.S. Department of the Interior.

A GED certificate dated January 29, 1989, was submitted by ALDEN to Salish Kootenai College as proof of her educational eligibility and to support her application for federal resources. The certificate indicated that ALDEN had taken the exam at Heritage College in Toppenish, Washington. The Director of Information Services for Washington State Board of Community and Technical Colleges indicated there was no record on file that ALDEN ever earned a GED in the state of Washington. A copy of the GED submitted by ALDEN was reviewed by the director. He indicated the name font did not match the rest of the certificate, the font for the year of issue was not consistent with the month and day font, and Heritage College had ceased issuance of GED certificates two years prior to the issue date on the certificate submitted by ALDEN.

ALDEN transferred to Salish Kootenai College during the 2001 fall semester and continued her attendance until the fall semester of 2004. ALDEN withdrew from her classes on November 17, 2004, citing personal reasons as her motive for withdrawing.

During her enrollment at Salish Kootenai College, ALDEN applied for and received funds from several different programs. Salish Kootenai College utilized a Student Data Form to evaluate and determine if a student met all the necessary requirements to receive financial aid from these various programs. ALDEN completed four of these forms during the time she attended Salish Kootenai College. ALDEN represented to the Salish Kootenai College officials on each of these forms that she had obtained a GED certificate.

These forms contain a perjury statement. ALDEN signed and dated each of these forms. ALDEN also signed a school year 2001-2002 Indian Health Service Nursing Scholarship Contract.

On June 30, 2005, ALDEN was interviewed by federal agents of the Offices of Inspectors General for Education and Interior. ALDEN admitted to not having earned a GED and to submitting falsified information in an attempt to receive financial assistance to attend school. ALDEN also admitted to knowing that the GED certificate she had presented to several federal agencies was fraudulent.

Records from Salish Kootenai College and Little Big Horn College indicate that ALDEN

received \$16,412 in payments paid directly to her from the grant funds provided by the Department of Education funds and applied by Salish Kootenai College and Little Big Horn College to educational expenses on her behalf.

Records from Salish Kootenai College indicate that ALDEN received \$19,838.05 in payments paid directly to her from the grant funds provided to Salish Kootenai College by the U.S. Department of Health and Human Services. An additional \$6,450.95 was applied by Salish Kootenai College for educational expenses on her behalf. Total amount expended was \$26,289.00.

Records from the Crow Tribe indicate that ALDEN received \$2,450 in payments paid directly to her from the grant funds provided by the U.S. Department of Interior during her enrollment at Salish Kootenai College.

Total assistance provided to ALDEN based upon the fraudulent GED totaled approximately \$42,701.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that ALDEN will likely serve **all** of the time imposed by the court. In the federal system, ALDEN does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Inspector General’s Office of the United States Department of the Interior and the Inspector General’s Office of the Department of Education.

STEVEN C. ALMOS

STEVEN C. ALMOS, a 49-year-old resident of Brookings, South Dakota, was sentenced to a term of:

- Home Arrest: 4 months
- Probation: 30 months
- Special Assessment: \$100

ALMOS was sentenced in connection with his guilty plea to aiding and abetting the submission of false writings.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

During the time period of 1998 through 2001, Terry Langstraat was engaged in the business of farming in several Montana counties in his own name and in the names of

Langstraat Farms and Golden Eagle Farm Partnership.

During this time period, ALMOS had been employed as an agricultural loan officer for Fin Ag and handled agricultural loans extended by Fin Ag to Langstraat.

In or about October of 1998, Golden Eagle Farm Partnership submitted a Form CCC 502 Farm Operating Plan to the Farm Service Agency, an agency of the Department of Agriculture, to participate in federal farm subsidy programs administered by the Farm Service Agency (FSA).

The 1998 Golden Eagle Farm Partnership Farm Operating Plan listed Langstraat as one of four partners, with each partner owning and contributing a 28.17% share.

During the 1999 and 2000 crop years, Golden Eagle Farm Partnership received subsidy payments in several federal farm programs pursuant to the 1998 Farm Operating Plan.

During the preparations for an end-of-year review of the 1999 crop year for Golden Eagle Farm Partnership, FSA officials asked Langstraat to provide documentation which would demonstrate that Golden Eagle Farm Partnership was eligible to receive program benefits as an entity separate from Langstraat's individual farm operations. As part of the document request, FSA officials had asked Langstraat to provide loan files and financial documentation indicating whether Golden Eagle Farm Partnership had an independent source of financing.

After receiving the document request, Langstraat contacted ALMOS and requested that Fin Ag issue backdated loan documents separating out the interests of his several family farm operations, including Golden Eagle Farm Partnership, that were, at that time, consolidated under Langstraat's master operating loan. ALMOS refused. He explained that it was not possible for Fin Ag to retroactively change the master operating note.

A short time later, Langstraat prepared a spreadsheet of the amount of money he could lose if Golden Eagle Farm Partnership failed to satisfy FSA's inquiry regarding its eligibility to receive payments as a separate and independent producer.

In or about November 2000, Langstraat traveled to the offices of Fin Ag at Sioux Falls, South Dakota, and presented his spreadsheet of farm program payments to ALMOS. Langstraat stated that if Fin Ag would not issue the backdated notes he was requesting, he would lose a substantial amount of money and would not be able to make payments to Fin Ag on his master operating note.

ALMOS then agreed to consider the issue. He asked Langstraat to wait in his office while he went out to talk with someone from the staff at Fin Ag. A few minutes later, ALMOS returned and gave Langstraat a set of backdated loan documents, including a promissory note and security agreement indicating a loan from Fin Ag to Golden Eagle

Farm Partnership dated January 21, 1999, in the amount of \$380,000, which, in reality, did not exist.

On or about January 19, 2001, Langstraat, in a proceeding before an FSA State Review Team concerning the end-of-year review for Golden Eagle Farm Partnership for the 1999 crop year, submitted the materially false and fraudulent promissory note and security agreement created by ALMOS.

On or about September 18, 2001, in a letter addressed to the FSA, ALMOS misrepresented the false promissory note and security agreement as an actual Fin Ag loan and omitted that Langstraat had secured the financing for Golden Eagle Farms Partnership on behalf of all of the partners as part of his master loan agreement with Fin Ag.

The backdated loan documents and the September 18, 2001 letter to FSA were both used to mislead the FSA and influence its decision-making on the issue of Langstraat's program eligibility.

Langstraat pled guilty to and was sentenced on federal charges.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that ALMOS will likely serve **all** of the time imposed by the court. In the federal system, ALMOS does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Leif M. Johnson prosecuted the case for the United States.

The investigation was conducted by Inspector General's Office of the United States Department of Agriculture.

RENEE LEE ATKINS

RENEE LEE ATKINS, a 32-year-old resident of Billings, was sentenced to a term of:

- Prison: 46 months
- Special Assessment: \$100
- Restitution: \$255,324.50
- Supervised Release: 3 years

ATKINS was sentenced in connection with her guilty plea to wire fraud.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that from March 26, 2001, through June 15, 2004, ATKINS was the bookkeeper for Energy & Environmental Measurement Corporation ("EEMC") in Billings.

ATKINS' duties included processing payroll, collecting receivables, paying EEMC's bills, reconciling EEMC's bank statements and preparing and faxing financial reports.

During the relevant time period, ATKINS made out checks from EEMC's account at Western Security Bank to herself or others as payee, without authorization from EEMC. ATKINS forged the name of the president of EEMC on the checks as signor.

ATKINS cashed the unauthorized checks made out to her totaling \$121,010.31 and kept the proceeds. ATKINS used the money on bills, shopping sprees, clothes, vacations, gambling and methamphetamine.

The unauthorized checks ATKINS made out to others totaled \$116,314.24. Sometimes they kept the full amount, sometimes they paid expenses for ATKINS, and sometimes they kept a portion and returned the rest of the proceeds to ATKINS.

During the relevant time period, ATKINS made out 480 unauthorized checks from EEMC which were cashed for a total loss to EEMC of \$237,324.55. ATKINS admitted that this amount appears to be correct.

ATKINS altered the records of EEMC, including the bank records received from Western Security Bank, to make it appear that the checks were written to pay for legitimate vendors. Some checks were posted to the general ledger under the names of the legitimate vendors. Other checks were not posted at all.

On September 30, 2005, ATKINS transmitted via facsimile from Billings to the president of EEMC in Tucson, Arizona, a financial status report of EEMC as of September 26, 2003, containing inaccurate information.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that ATKINS will likely serve **all** of the time imposed by the court. In the federal system, ATKINS does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence. supervised release.

Assistant U.S. Attorney Kurt Alme prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

DAVID WAYNE BAKER

DAVID WAYNE BAKER, a 66-year-old resident of Plains, pled guilty theft and was sentenced to a term of:

- Jail: 1 day
- Special Assessment: \$100

- Restitution: \$18,623.74
- Supervised Release: 3 years

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on January 21, 1998, BAKER obtained a loan from the Rocky Mountain Bank in Plains.

On August 5, 1998, after falling behind on his payments, BAKER applied for and received an extension on the loan. As part of that extension, BAKER provided an Agriculture Financial Statement to the bank listing cattle and several pieces of equipment as assets.

On June 14, 2000, BAKER filed a Chapter 7 bankruptcy. BAKER again listed that he owned the cattle and equipment on his schedules attached to the bankruptcy petition.

On July 19, 2000, the Bankruptcy Court ordered BAKER to turn over the cattle for liquidation to pay his creditors.

On July 24, 2000, BAKER filed a motion to amend his schedules, stating he no longer owned the cattle, that they were leased from another individual who had repossessed the cattle.

On October 13, 2000, during another bankruptcy hearing, BAKER stated that he lied when he said he owned the cows, later stating he was “mistaken” after questioned by the bankruptcy trustee.

On November 19, 2000, the Rocky Mountain Bank filed an adversary complaint in the bankruptcy case requesting their loan not be discharged.

On February 6, 2001, the adversary proceeding was tried. At the trial, the bank representative stated they had tried to repossess the equipment listed on the Agriculture Financial Statement signed by BAKER in August of 1998. Upon arrival at the BAKER property, they were only able to find one older tractor without a transmission and a round baler that had been vandalized. During the trial, BAKER said he never owned the other items listed on the statement and that bank officers put those items on the statement without his knowledge.

On April 5, 2001, the bankruptcy judge filed a judgment against BAKER in favor of Rocky Mountain Bank. The judge stated that he did not find BAKER credible and that BAKER knowingly filed a false statement with the bank to receive a renewal on the loan.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that BAKER will likely serve **all** of the time imposed by the court. In the federal system, BAKER does have the opportunity to earn a sentence reduction for

“good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

CLEOFAS BECERRA-TEJEDA

CLEOFAS BECERRA-TEJEDA, a 27-year-old resident of Mexico, was sentenced to a term of:

- Prison: 127 days with credit for time served
- Supervised Release: 2 years

CLEOFAS BECERRA-TEJEDA was sentenced in connection with his guilty plea to misuse of a social security number.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on about August 29, 2005, BECERRA-TEJEDA used a social security number of another person to apply for employment in Billings.

BECERRA-TEJEDA falsely represented the social security number to be his own account number on the employment verification form and admitted he used the social security number to gain employment knowing it was a number that had not been assigned to him.

BECERRA-TEJEDA admitted he purchased a social security card, birth certificate and North Carolina identification card, all in the name of the another person, for \$900 from an individual in Texas approximately three years ago.

The social security card and the North Carolina identification card in the name of the other person had BECERRA-TEJEDA'S picture on it.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that BECERRA-TEJEDA will likely serve **all** of the time imposed by the court. In the federal system, BECERRA-TEJEDA does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted this case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

CHERYL BUELL

CHERYL BUELL, a 39-year-old resident of Butte, was sentenced to a term of:

- Probation: 5 years with home detention/electronic monitoring for 6 months
- Special Assessment: \$100
- Restitution: \$41,272.23 at \$300 per month

BUELL was sentenced in connection with her guilty plea to theft from the North American Indian Alliance (NAIA), an organization that received federal funds.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that BUELL was employed as the front desk clerk with payroll and check writing responsibilities for the NAIA from October 17, 2003, through November 3, 2004.

Bank documents would show that during that time BUELL cashed unauthorized checks from the NAIA payroll account totaling \$7,881.15 and from the NAIA miscellaneous account totaling \$22,984.00.

Testimony from witnesses and bank checks would show that many of the checks had forged signatures of members of the Board of Directors of the NAIA.

Admissions by BUELL would show that between October 2003, and November 2004, she wrote numerous unauthorized NAIA checks to herself. The unauthorized checks totaled approximately \$30,000. Many of the checks were signed by NAIA board members because she placed them in a large stack of checks that needed approval so the signors would not know they were signing and giving approval fraudulently. BUELL also forged some of the board members' signatures on the checks.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BUELL will likely serve **all** of the time imposed by the court. In the federal system, BUELL does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Kurt G. Alme prosecuted this case for the United States.

The investigation was a cooperative effort between the Inspector General's Office for the United States Department of Health and Human Services and the Inspector General's Office of the United States Department of Interior.

TRACY CANCELLARE

TRACY CANCELLARE, a 43-year-old resident of Butte and Las Vegas, was sentenced

to a term of:

- Prison: 51 months
- Special Assessment: \$100
- Restitution: \$125,001.40
- Supervised Release: 3 years

CANCELLARE was sentenced in connection with her guilty plea to a wire fraud scheme to obtain money.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

During 2000, CANCELLARE was living in the Butte area where she made the acquaintance of an 80-year-old man, hereafter referred to as "Ken." They became friends, and at some point, "Ken" gave CANCELLARE approximately \$1,500 to help her bring her children to Butte.

In 2001, CANCELLARE left the Butte area and relocated to Las Vegas, Nevada.

In 2002, "Ken" retired from his job as a salesman for mining pumps. At some date during 2002, CANCELLARE called "Ken." She told him that she had inherited some land from her grandmother, two "plots" located near Dallas, Texas.

In 2003, CANCELLARE called "Ken" again and advised him that she was going to sell the land to Owens-Corning for \$500,000. CANCELLARE requested money from "Ken" to help her "close the deal." CANCELLARE assured him that if he helped her with money then, he would receive a substantial profit from the sale of the land, and that after the closing, she would send him \$350,000, in \$9,000 increments.

On October 7, 2003, "Ken" sent \$6,200 by wire to CANCELLARE.

Shortly after this call, "Ken" received several other calls, mostly from CANCELLARE, requesting additional money.

Between October of 2003 and March of 2004, "Ken" sent CANCELLARE, by interstate wire facilities, over \$120,000, incurring wire transfer fees of over \$3,000.

"Ken" frequently requested documentation to validate the legitimacy of the land deal. CANCELLARE sent him what appeared to be court documents. The documents were found to be completely fictive, such as using the names of judges that did not exist.

In 2004, the FBI was contacted regarding the scheme. Investigation revealed that Owens-Corning was not involved in any land deal in Texas or any other state. It was in Chapter 11 bankruptcy at the time and was not in a position to use any of its assets for

property acquisition.

From May through June 2004, the FBI and local law enforcement recorded the calls made between “Ken” and CANCELLARE. The calls confirmed the understanding that “Ken” was to receive a substantial profit from the land deal. The recordings also disclosed that CANCELLARE called “Ken,” identified herself as other individuals, then disguised her voice and attempted to convince “Ken” that third parties were confirming CANCELLARE’S representations.

The FBI also interviewed the owners of the accounts to which “Ken’s” money was wired. They would have testified that no wire transfers went directly to CANCELLARE. CANCELLARE told these individuals that the money was coming from her father who lived in Montana and that the money was from some will, trust, or inheritance.

One of the proxy account holders would have testified that CANCELLARE told him that the money came from a man named “Ken” who lived in Montana and wanted CANCELLARE to be his girlfriend.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that CANCELLARE will likely serve **all** of the time imposed by the court. In the federal system, CANCELLARE does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

ROLAND L. CLOWN

ROLAND L. CLOWN, a 54-year-old resident of Busby, was sentenced to a term of:

- Prison: 6 months
- Special Assessment: \$100
- Probation: 5 years
- House Arrest: 6 months
- Restitution: \$54,031.19

CLOWN was sentenced in connection with his guilty plea to social security fraud.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that beginning on about March 16, 1998, and continuing until about July 1, 2004, in Busby, CLOWN did not disclose his earnings and employment status with various employers, including the Northern Cheyenne Tribe and the United States Department of the Interior. His employment affected his right to receive payments

under Title II of the Social Security Act.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that CLOWN will likely serve **all** of the time imposed by the court. In the federal system, CLOWN does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Leif Johnson prosecuted this case for the United States.

The investigation was conducted by the Social Security Administration Office of the Inspector General.

BOYD L. DAHLE and GAY L. DAHLE

BOYD L. DAHLE and GAY L. DAHLE, residents of Fairview, were sentenced as follow:

BOYD L. DAHLE was sentenced to a term of:

- Probation: 3 years
- Special Assessment: \$100
- Restitution: \$26,000

GAY L. DAHLE was sentenced to a term of:

- Probation: 2 years
- Special Assessment: \$100
- Restitution: \$10,030.65

They were sentenced in connection with their guilty pleas to concealment of assets. In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On or about December 12, 2001, and continuing thereafter, BOYD and GAY DAHLE, after filing for a Chapter 7 bankruptcy, knowingly and fraudulently concealed property belonging to their estate from a bankruptcy court trustee. The property included a State of Montana tax refund in the amount of \$1,065.00, honey inventory in the amount of \$8,965.65, and approximately 600 bee hives.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that BOYD L. DAHLE and GAY L. DAHLE will likely serve **all** of the time imposed by the court. In the federal system, BOYD L. DAHLE and GAY L. DAHLE do have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Victoria L. Francis prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

JOSH LEVI DOLAN

JOSH LEVI DOLAN, a 31-year-old resident of Butte, was sentenced to a term of:

- Prison: 27 months
- Special Assessment: \$200
- Restitution: \$1,046.10
- Supervised Release: 3 years

DOLAN was sentenced in connection with his guilty plea to wire fraud and aggravated identity theft.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On April 10, 2005, DOLAN, Christine Kingsolver and Gordon Mahood, were in the Target store in Bozeman where they attempted to purchase a shopping cart full of merchandise. DOLAN attempted to pay for the merchandise with a stolen check in the name of another individual by using a false identification document in that individual's name, but bearing DOLAN'S photo.

When questioned by law enforcement authorities, DOLAN admitted that he had attempted to pass the check and that the check was recovered from a vehicle driven by DOLAN on April 10, 2005.

The false identification document used by DOLAN in his attempt to pass the stolen check, a counterfeit Montana Identification Card in another individual's name but bearing DOLAN'S photograph, and the stolen check would have been presented as evidence.

Videotape evidence would have also been presented showing DOLAN, Kingsolver and Mahood picking out and purchasing merchandise at the Bozeman K-Mart store on April 10, 2005. The stolen check used to pay for this merchandise was in the name of the same individual but the false identification document had Mahood's photograph.

Testimony would have been provided establishing that the checks written to the Bozeman Target and K-Mart stores on April 10, 2005, were scanned by electronic check reading devices and that check information was electronically sent by wire from Bozeman to out-of-state check clearinghouses.

Kingsolver and Mahood have pled guilty and are awaiting sentencing.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that DOLAN will likely serve **all** of the time imposed by the court. In the federal system, DOLAN does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

RAYMOND DOLEZILEK

RAYMOND DOLEZILEK, a 53-year-old resident of Poplar, was sentenced to a term of:

- Prison: 6 months
- Special Assessment: \$100
- Restitution: \$8,510
- Supervised Release: 3 years

DOLEZILEK was sentenced in connection with his guilty plea to making false claims.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Agents of the U.S. Department of Interior, Office of Inspector General (OIG), received a complaint that the Director of the Fort Peck Department of Education, (hereafter referred to as “A”) had misapplied federal funds by paying her uncle, DOLEZILEK, for work he did not perform and, in addition, concealed payments to DOLEZILEK by issuing a check in the name of a nominee. The allegation also asserted that DOLEZILEK had shared the monies from the vouchers with “A”.

In November of 2003, “A” was under separate investigation for the misapplication of funds through 638 contract accounts, obtaining goods and services for personal use. A witness provided information that included an accusation that DOLEZILEK had been paid with education monies even though he had done nothing to earn those monies. Another witness brought to the agents’ attention that DOLEZILEK was making kick-backs to “A” and to Pauline Jackson, Correctional Supervisor of the Juvenile Detention Center. Both Jackson and DOLEZILEK ultimately admitted that Jackson had approved the payment of 638 contract funds to DOLEZILEK for services never provided and then the proceeds of the false claims were shared between the two.

Jackson and DOLEZILEK were indicted in October of 2004, pled guilty and were sentenced in 2005.

The OIG retrieved the payments made to DOLEZILEK by “A” on behalf of the Education Department, and interviewed DOLEZILEK. DOLEZILEK admitted that between November of 2001 and January of 2003, he submitted eight invoices for payment to “A” for work which he did not perform. He admitted that “A” was aware that he had not

performed the work stated in the invoices, but authorized payment to him anyway. The eight invoices submitted by DOLEZILEK totaled \$8,510.

DOLEZILEK told investigators that, similar to his arrangement with Jackson, he paid \$1,700 in cash kickbacks to "A" in connection with two of the eight invoices. The total value of the two invoices submitted by DOLEZILEK for which he admitted to paying cash kickbacks was \$4,000.

DOLEZILEK further admitted that in March and November of 2002, he submitted three invoices for payment in the names of nominees for work which he had indeed performed. DOLEZILEK stated he filed the alias name claims, made false by the use of nominee payees, to avoid wage garnishments by the Fort Peck Tribes and the Internal Revenue Service. Again, he confirmed that "A" cooperated with his scheme and issued the payments to him using the alias names to avoid the lawful consequences of a payment made to DOLEZILEK in his own name.

"A" was interviewed and stated she hired her uncle, Raymond DOLEZILEK, to provide her with expert assistance at the Education Department. "A" stated that DOLEZILEK did all of the work for which she paid him, and that he never submitted invoices for payment for work which he had not done. However, when "A" was questioned specifically about the eight vouchers identified by DOLEZILEK as being for work which he did not perform, "A" stated that she could not recall if DOLEZILEK performed the work stated in the submitted invoice for four of the eight vouchers.

"A" also admitted that she knew DOLEZILEK was the intended recipient of the funds relating to checks in alias names when she approved the invoices for payment. The three invoices submitted by DOLEZILEK in the names of nominees totaled \$2,250.

Although she denied accepting kick-backs from DOLEZILEK, she did admit that she had accepted \$800 from DOLEZILEK, ostensibly for the sale of a car which she admitted was never transferred to DOLEZILEK. She also confirmed that she had never returned the \$800. This version of events was actually the same one told by DOLEZILEK in his first interview with investigators, but he later admitted that the car sale story was entirely fictive and designed only to explain his \$800 cash payment to "A" in the event their financial relationship was questioned.

The false claims totaled \$10,760, but, as work was performed on the fictitious names claims, restitution loss to the government was \$8,510.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that DOLEZILEK will likely serve **all** of the time imposed by the court. In the federal system, DOLEZILEK does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by Office of the Inspector General for the Department of the Interior.

RAMONA EMMETT

RAMONA EMMETT, a 45-year-old resident of Billings, was sentenced to a term of:

- Prison: 12 months
- Special Assessment: \$300
- Restitution: \$19,382
- Supervised Release: 3 years

EMMETT was sentenced after having been found guilty during a 2-day trial of theft of federal funds and making false statements.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that EMMETT will likely serve **all** of the time imposed by the court. In the federal system, EMMETT does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Eric B. Wolff prosecuted the case for the United States.

The investigation was conducted by the Inspector General’s Office for the United States Department of Housing and Urban Development.

MYRON KENNETH FELT

MYRON KENNETH FELT, a 77-year-old resident of Big Fork, was sentenced to a term of:

- Prison: 40 months
- Special Assessment: \$200
- Restitution: \$512,171
- Supervised Release: 3 years

FELT was sentenced in connection with his guilty plea to wire fraud and money laundering.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Crop Hail Management, Inc. (“CHM”) was a licensed insurance agency which arranged the sale of crop hail insurance policies to farmers in Montana and other states. FELT was the President of CHM from 1998 through 2003 and worked in its Bigfork office.

FELT had previously been in the crop insurance business from 1953 through 1990, when he sold his first crop hail insurance general agency business.

Beginning about June 5, 2001, farmers applied to CHM for crop hail insurance. FELT had CHM issue crop hail insurance policies on behalf of other insurance companies for farmers from Montana and other states. FELT diverted to his personal accounts premiums which CHM should have retained on behalf of those other insurance companies to pay claims. FELT did not have CHM report to the other insurance companies that it had received the diverted premiums. Instead, CHM kept a record of those policies as “out-of-system” policies under a separate numbering system. During 2001, some in-state and out-of-state farmers made claims against the out-of-system policies. FELT had CHM pay the out-of-state claims from the diverted premiums that he had not yet spent. FELT had CHM submit the in-state claims to a Montana insurance company, which paid the claims. FELT later repaid those claims with diverted premiums. For 2001, the total amount of diverted premiums, minus the amount of diverted premiums paid out in claims and loss adjusting expense was \$141,160 in net diverted premiums.

Again during 2002, farmers applied to CHM for crop hail insurance. FELT had CHM issue crop hail insurance policies on behalf of other insurance companies for farmers from Montana and fourteen other states. FELT diverted to his personal accounts premiums which CHM should have retained on behalf of those other insurance companies to pay claims. FELT did not have CHM report to the other insurance companies that it had received the diverted premiums. Instead, CHM kept record of those policies as out-of-system policies under a separate numbering system. Some farmers then made claims against the out-of-system policies. FELT had CHM pay as many of those claims as it could from the diverted premiums that he had not yet spent. Claims from Montana farmers were paid from diverted premiums kept in one account and claims from out-of-state farmers were paid from diverted premiums kept in another account. For 2002, the total amount of diverted premiums, minus the amount of diverted premiums paid out in claims and loss adjusting expense was \$485,775 in net diverted premiums.

Later during 2002, FELT did not have enough diverted premiums remaining to pay all the claims made against the out-of-system policies. Thus, FELT had CHM flip the numbers on out-of-system policies against which claims had been made to policy numbers recognized as legitimate by the other insurance companies (“flipped policies”) and submit the claims to the other insurance companies for payment. FELT submitted claims against flipped policies totaling \$863,385 for payment by the other insurance companies. FELT also submitted adjusting expenses for claims made against flipped policies totaling \$9,776 for payment by the other insurance companies. The other insurance companies paid CHM \$655,789, which represents the submitted claims and adjustment expenses on the flipped policies minus the unpaid premium owed by farmers on the flipped policies of \$217,372.

FELT used the net diverted premiums from 2001 and 2002 to pay creditors and for other personal expenses.

Twenty-three insurance companies lost premiums and/or commissions, two reinsurance brokers and two managing general agencies lost commissions, and five states lost premium taxes on the net diverted premiums in 2001 and 2002. The insurance companies that paid the claims on the flipped policies in 2002 were some of the same 23 insurance companies.

On December 6, 2002, FELT e-mailed the December 6, 2002 Heartland Hail Report from CHM's office in Big Fork to the offices of Heartland Crop Insurance, Inc., in Topeka, Kansas. The report was inaccurate in that it did not disclose the premiums that had been diverted by FELT on out-of-system policies and the claims FELT had CHM pay on out-of-system policies.

One farm corporation suffered hail damage to its crops and submitted a claim to CHM. On August 27, 2002, FELT caused an employee to execute and send a check for \$59,715 from CHM's account at Rocky Mountain Bank to the farm corporation to pay the claim. FELT knew that the check funds were premiums that he had diverted. FELT paid the claim from the diverted premiums to promote the carrying on the wire fraud scheme.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that FELT will likely serve **all** of the time imposed by the court. In the federal system, FELT does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

First Assistant U.S. Attorney Kurt Alme prosecuted the case for the United States.

The investigation was a cooperative effort between the Montana State Auditor's Office, the Criminal Investigation Division of the Internal Revenue Service and the Federal Bureau of Investigation.

RAYMOND E. FIEVET

RAYMOND E. FIEVET, a 63-year-old resident of Billings, was sentenced to a term of:

- Prison: 1 day
- Special Assessment: \$25
- Restitution: \$32,238.02 (within 30 days)
- Probation: 12 months, unsupervised

FIEVET was sentenced in connection with his guilty plea to making false statements and failure to report.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

FIEVET was a pipe-fitter for Burlington Northern in Iowa. In 1992, at the age of 48, he reported disabling lower back and leg pain. FIEVET applied for and received disability benefits under the federal Railroad Retirement Act of 1974.

By statute, his disability benefits would be reduced, and even forfeited entirely, if he engaged in significant outside employment. Specifically, FIEVET could not earn a monthly income over \$400, and his annual earnings could not exceed \$4,800, or he would lose his disability benefits for that particular month or year respectively. FIEVET was also required to report to the Railroad Retirement Board any employment income above the statutory restrictions. Failure to report income in a particular month would forfeit that month's disability benefit.

FIEVET moved to Billings, and in 1998 began working as a driver for Big Sky Auto Auction. FIEVET'S reported earnings at Big Sky Auto Auction never exceeded the statutory limits. However, in 1999, his wife also began reporting earnings at Big Sky Auto Auction. This continued through 2004. In tax years 2000 through 2004, the combined earnings of FIEVET and his wife exceeded the statutory limits on outside income, and if attributed solely to FIEVET, he would have forfeited a portion of his disability benefits.

Testimony would have shown that the employment of FIEVET'S wife at Big Sky Auto Auction was a fraud. FIEVET admitted to investigators and other former employees would attest that she never worked there. An office manager at Big Sky Auto Auction had assisted FIEVET in concealing income by reporting a portion of FIEVET'S income under his wife's Social Security number. The office manager, or her assistants, also prepared a false W-2 for FIEVET in years 2000 through 2004 that purported to show that FIEVET'S wife earned income at Big Sky Auto Auction.

FIEVET did not report any of this activity to the Railroad Retirement Board so that he would not lose any portion of his disability benefits. In addition, once investigators at the Railroad Retirement Board became suspicious of earnings by FIEVET'S wife, they sent FIEVET a form which requested detailed information about continuing disabilities and outside employment. FIEVET signed the form and left the box blank which required a list of any months with earnings over \$400, even though there were many months between 2000 and 2004 when he earned over \$400.

On January 19, 2005, FIEVET admitted to investigators that he had reported earnings under his wife's Social Security Number beginning in 1999 and that his wife was never an employee at Big Sky Auto Auction.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that FIEVET will likely serve **all** of the time imposed by the court. In the

federal system, FIEVET does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Eric B. Wolff prosecuted the case for the United States.

The investigation was conducted by the Railroad Retirement Board.

RYAN SCOTT FRANKFORTER

RYAN SCOTT FRANKFORTER, a 28-year-old resident of Helena, was sentenced to a term of:

- Prison: 7 months
- Special Assessment: \$100
- Restitution: \$4,572.85
- Supervised Release: 3 years

FRANKFORTER was sentenced in connection with his guilty plea to wire fraud.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

From on or about April 19 through April 21, 2005, FRANKFORTER, Thomas Joseph Roeber, and three other co-conspirators traveled to Billings where FRANKFORTER and the others purchased merchandise from various businesses by forging checks that had been stolen from an individual in Bozeman.

FRANKFORTER and his co-conspirators then returned certain items they had purchased with the stolen checks to businesses in order to receive cash or store credit.

Roeber pled guilty to and was sentenced on federal charges.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that FRANKFORTER will likely serve **all** of the time imposed by the court. In the federal system, FRANKFORTER does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

BRENDA KAYE GRAHAM

BRENDA KAYE GRAHAM, a 35-year-old resident of Billings, was sentenced to a term of:

- Prison: 10 months (although for 5 of the 10 months she will be under house arrest)
- Special Assessment: \$200
- Restitution: \$11,085.22 to American Express
- Supervised Release: 3 years

GRAHAM was sentenced in connection with her guilty plea to social security fraud.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

During 2003-2004, GRAHAM was employed as a Banker Connection Specialist II at Wells Fargo Bank in Billings. In that position, GRAHAM had substantial access to the customer account database. GRAHAM accessed the database and obtained the social security account numbers for two other women with similar names.

On July 23, 2003, and again on November 1, 2003, GRAHAM applied for and obtained two separate American Express credit cards. She had used the social security numbers belonging to a woman in Arizona, but used her own name and address.

Over the next few months, GRAHAM made charges of \$11,358.47 on the credit cards, and payments of \$1,600. In addition, GRAHAM attempted to transfer balances of \$23,465.81 to the accounts.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that GRAHAM will likely serve **all** of the time imposed by the court. In the federal system, GRAHAM does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Kurt G. Alme prosecuted the case for the United States.

The investigation was conducted by the United States Secret Service.

CARIN L. HAVEN

CARIN L. HAVEN was sentenced to a term of:

- Probation: 5 years, with 4 months of home confinement
- Special Assessment: \$100

- Restitution: \$64,105

HAVEN was sentenced in connection with her guilty plea to wire fraud.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On or about December 2000 through January 2001, HAVEN devised a scheme to defraud a casino in Kalispell by placing approximately \$64,105 in electronic bets using non-sufficient funds checks. The electronic bets were sent by interstate wire communications from Kalispell to Texas constituting wire fraud.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that HAVEN will likely serve **all** of the time imposed by the court. In the federal system, HAVEN does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Kris A. McLean prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

CHARLES WILLIAM HOWERY

CHARLES WILLIAM HOWERY, a 33-year-old resident of Helena, was sentenced to a term of:

- Prison: 4 months
- Special Assessment: \$100
- Restitution: \$6,350.10
- Supervised Release: 5 years

HOWERY was sentenced in connection with his guilty plea to bank fraud.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that in August of 2004, HOWERY was contacted via e-mail and informed that an individual had passed away in Nigeria leaving behind approximately seventeen million dollars, with no next of kin. The contact informed HOWERY that he could be declared next of kin and these unclaimed funds sent to him in the United States.

The Nigerian contact asked HOWERY to pay a fee in order to be named next of kin. HOWERY informed the contact that he had no funds available to pay the fee.

HOWERY was then informed by his contact that individuals would help him if he opened a bank account, deposited a check into that account, and then wired funds from that account to other locations.

HOWERY ultimately received a counterfeit check in the amount of \$6,350.10 from Atlanta, Georgia. HOWERY was instructed to deposit that check in his account and make two wire transfers, each in the amount of \$3,000, to two separate locations.

On December 8, 2004, HOWERY deposited the counterfeit check he had received in the amount of \$6,350.10 in the account he had opened at the Helena Community Credit Union.

At the time HOWERY deposited the check, he requested and received \$1,000 in cash back from the initial deposit.

Later, on December 8, 2004, HOWERY went to three branch locations of the Helena Community Credit Union and withdrew an additional \$1,240 from his account in three separate transactions.

On December 9, 2004, HOWERY withdrew an additional \$2,500, and on December 13, 2004, he withdrew another \$1,600 from the account. In total, HOWERY withdrew \$6,340 of the \$6,350.10 he had deposited in the account with the counterfeit check.

HOWERY admitted he spent the \$6,340 over a period of eleven days in December 2004. HOWERY stated he used the money for gambling; to purchase a computer and stereo system; and to visit his sister in Missoula. HOWERY did not wire any funds to other locations.

On December 17, 2004, the Helena Community Credit Union was notified that the check deposited by HOWERY was being returned as counterfeit.

HOWERY admitted he suspected the check was counterfeit and that he thought it would not be honored by the credit union when he tried to deposit it.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that HOWERY will likely serve **all** of the time imposed by the court. In the federal system, HOWERY does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

WILLIAM JANNISCH

WILLIAM JANNISCH, a 47-year-old resident of Virginia, was sentenced to a term of:

- Prison: 12 months and 1 day

- Special Assessment: \$200
- Restitution: \$3,188.50
- Supervised Release: 3 years

JANNISCH was sentenced in connection with his guilty plea to theft of government property and mail fraud.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In 2003, JANNISCH worked as a radio operator at both the Big Creek and Roberts Forest Fires.

During this time, one of the Forest Service's BK radios was reported missing from the Big Creek Fire and another BK radio was reported missing from the Roberts Fire. The value of the radios was approximately \$1,222.

In March 2004, an individual in Harrison purchased both of these BK radios from JANNISCH, who was living in Conner at that time. This individual eventually discovered that both radios were reported missing and that the Forest Service had initiated an investigation.

During the course of the investigation, the Forest Service discovered that JANNISCH had worked on both the Big Creek and Roberts fires and had sold the missing radios to the individual in Harrison. The investigation also revealed that JANNISCH had sold or attempted to sell other Forest Service radio equipment, which included BK radios and BK radio clamshell battery packs.

JANNISCH contacted potential buyers via HAM radio Internet forums and induced buyers to send money orders through the mail in exchange for the delivery of the merchandise. JANNISCH falsely represented to the buyers that the battery packs were throw-away items that the Forest Service discarded at the conclusion of a forest fire.

In October 2004, during the course of the Forest Service's investigation, JANNISCH contacted the individual from Harrison to inquire whether the individual was interested in purchasing additional radios. The individual referred JANNISCH to an e-mail address utilized by law enforcement. A special agent with the Forest Service arranged to purchase two radios from JANNISCH for approximately \$800. The agent mailed a money order to JANNISCH but never received the radios.

In addition to the fraudulent transaction involving the agent, the Forest Service discovered that several other individuals had mailed money to JANNISCH to purchase equipment and either never received the equipment or received only a partial shipment.

Because there is no parole in the federal system, the "truth in sentencing" guidelines

mandate that JANNISCH will likely serve **all** of the time imposed by the court. In the federal system, JANNISCH does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the Law Enforcement and Investigations Division of the Forest Service.

TERRY LANGSTRAAT

TERRY LANGSTRAAT, a 61-year-old resident of Billings, was sentenced to a term of:

- Prison: 10 months, with 5 months community confinement
- Restitution: \$226,035
- Special Assessment: \$100
- Supervised Release: 3 years

LANGSTRAAT was sentenced in connection with his guilty plea to conspiracy to submit false statements to a federal agency.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

LANGSTRAAT farmed in several Montana counties in his own name and in the names of Langstraat Farms and Golden Eagle Farm Partnership.

In or about October of 1998, Golden Eagle Farm Partnership submitted a form to the Farm Service Agency (FSA), an agency of the Department of Agriculture, in order to participate in federal farm subsidy programs administered by FSA. This plan listed four partners, including LANGSTRAAT. The form stated that LANGSTRAAT owned 28.17% shares and contributed 28.17% to the partnership.

During the 1999 and 2000 crop years, Golden Eagle Farm Partnership received subsidy payments in several federal farm programs pursuant to the 1998 Farm Operating Plan.

In the fall of 2000, FSA notified Golden Eagle Farm Partnership that it would be conducting an end-of-year review of the partnership farming operation for the 1999 crop year. In preparation for the review, FSA directed the partnership to gather and submit various documents relevant to partnership operations for the 1999 crop year. These documents included operating notes and loan agreements.

Prior to 2001, all of the financing for Golden Eagle Farm Partnership was obtained by LANGSTRAAT from Fin Ag, an agriculture lending subsidiary of Harvest States. Loan documents from this period on file at Fin Ag indicated that LANGSTRAAT financed

Golden Eagle Farm Partnership as part of his master loan agreement with Fin Ag. This master loan provided operating funds for LANGSTRAAT'S individual farming operations as well as the partnership.

For the crop years 1999 and 2000, Golden Eagle Farm Partnership had no independent source of financing and no separate loan from Fin Ag, or any other financial institution. During this period, LANGSTRAAT was the sole source of financial strength for the operations of Golden Eagle Farm Partnership.

In or about November 2000, LANGSTRAAT traveled to offices of Fin Ag at Sioux Falls, South Dakota, to meet with his loan officer and requested the creation of a false promissory note and security agreement between Fin Ag and Golden Eagle Farm Partnership for a loan that did not exist.

The loan officer agreed to create, and did create, a promissory note and security agreement indicating a loan from Fin Ag to Golden Eagle Farm Partnership dated January 21, 1999, in the amount of \$380,000, knowing that no such loan existed within the loan files at Fin Ag and that LANGSTRAAT would use the false loan and security agreement to deceive FSA in an end-of-year review of the Golden Eagle Farm Partnership.

On or about January 19, 2001, LANGSTRAAT, in a proceeding before an FSA State Review Team concerning the end-of-year review for Golden Eagle Farm Partnership for the 1999 crop year, submitted the materially false and fraudulent promissory note and security agreement created by the loan officer.

On or about September 18, 2001, in a letter addressed to FSA, the loan officer misrepresented the false promissory note and security agreement as an actual Fin Ag loan and omitted that LANGSTRAAT had secured the financing for Golden Eagle Farms Partnership on behalf of all of the partners as part of his master loan agreement with Fin Ag.

An inventory of the Fin Ag loan files for LANGSTRAAT conducted in 2005 confirmed that no actual loan between Fin Ag and the partnership existed prior to 2001 and that the false loan documents created by the loan officer were not found within the official loan files of the lender.

In January of 2000, Fin Ag conducted its end-of-year review for the 1999 crop year. During that process, Fin Ag accepted the false loan documents created by the loan officer and submitted by LANGSTRAAT as evidence that the partnership had an independent source of financing separate and apart from LANGSTRAAT.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that LANGSTRAAT will likely serve **all** of the time imposed by the court. In the federal system, LANGSTRAAT does have the opportunity to earn a sentence

reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Leif M. Johnson prosecuted the case for the United States.

The investigation was conducted by the Office of the Inspector General of the U.S. Department of Agriculture.

CHRISTIE ANN LITTLE

CHRISTIE ANN LITTLE, a 35-year-old resident of Butte, was sentenced in connection with her guilty plea to wire fraud and aggravated identity theft to a term of:

- Prison: 12 months for wire fraud, plus an additional 24 months, which is mandatory consecutive, for aggravated identify theft
- Special Assessment: \$200
- Restitution: \$5,506.85
- Supervised Release: 3 years

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On April 19, 2005, LITTLE, Shawn Wandle and Roy Wandle traveled to Billings to join Thomas Joseph Roeber and Ryan Scott Frankforter in a scheme to defraud businesses engaged in interstate commerce.

From April 19, 2005, through April 21, 2005, LITTLE, Shawn Wandle, Roy Wandle and the others purchased merchandise from various businesses by forging checks that had been stolen from an individual in Bozeman. They then returned certain items they had purchased with the stolen checks in order to receive cash or store credit.

When questioned by law enforcement agents, LITTLE admitted that she personally passed the majority of the stolen checks and that most of the checks were passed at Wal-Mart stores.

Roy Wandle also admitted that he drove LITTLE to a Wal-Mart store on at least one occasion knowing that the specific purpose of the trip was to purchase merchandise with a stolen check.

Roeber, Frankforter, Shawn Wandle and Roy Wandle pled guilty to and were sentenced on federal charges.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that LITTLE will likely serve **all** of the time imposed by the court. In the federal system, LITTLE does have the opportunity to earn a sentence reduction for

“good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

JESSE A. MARCEL, III

JESSE A. MARCEL, III, a 39-year-old resident of Spokane, Washington, was sentenced to a term of:

- Prison: 48 months
- Restitution: \$185,598
- Special Assessment: \$100
- Supervised Release: 3 years

MARCEL was sentenced in connection with his guilty plea to submission of false claims.

United States Attorney Mercer said, “Throughout my tenure as U.S. Attorney, we have focused on investigating and prosecuting the financial exploitation of the elderly. People like Marcel have an obligation to provide services if they accept Medicaid payments. In this case, he took the government payments but failed to meet his obligations to nursing home patients. We prosecute such false claims cases with the full intention of getting convictions and prison sentences as handed down today.”

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

A nursing home resident, identified as “T.B.,” was a Montana Medicaid beneficiary who was transferred to Sande Convalescent Care Center (SCCC) in 1995. At that time, T.B. required a high level of care due to his aggressive behavior, mental retardation, and other organic mental conditions, including recurring seizures and depression.

T.B. was initially confined to a wheelchair at SCCC. However, through intensive therapy, he began to walk and dress himself independently again.

In late 1998, Northwest Senior Care Association (NWSCA) leased SCCC from David Sande. Shortly thereafter, the name was changed to Prairie Vista Manor (PVM).

In order to be reimbursed as a Medicaid health care provider, the owners of NWSCA, one of which was MARCEL, signed a provider agreement with the State of Montana. In the agreement, NWSCA agreed to provide care to Medicaid patients consistent with the applicable provisions of state and federal law, including those prescribing “care for its

residents in such a manner and in such an environment as will promote maintenance or enhancement of the quality of life of each resident.”

In addition, NWSCA agreed to “provide services and activities to attain or maintain the highest practicable physical, mental and psychosocial well-being of each resident. . . .” Finally, NWSCA agreed to provide care within “accepted professional standards and principles which apply to professionals providing services in such a facility.” In its provider enrollment form, NWSCA also agreed to repay any amounts that it was not eligible to receive.

From approximately December of 1998 through June 7, 2001, NWSCA collected regular monthly reimbursement for the costs associated with the care of T.B. and other Medicaid beneficiaries.

In late 1999, MARCEL assumed control of the financial operations of PVM and began diverting large sums of PVM revenue each month, forcing the facility to trim expenses and essential services.

In February of 1999, NWSCA hired an administrator for PVM. The administrator had daily contact with MARCEL about the management of the facility. When PVM received its monthly checks from Medicaid, MARCEL routinely directed the administrator to wire all, or nearly all, of the revenue back to MARCEL. In this process, the administrator would then have to request funding from MARCEL to pay the facility’s bills. To do this, MARCEL required the administrator to submit a monthly estimate of expenses. MARCEL would trim the list of various expenses, and at times, reduce costs by several thousand dollars. As time went on, the administrator rarely had enough money to meet monthly expenses. Therefore, the facility’s vendors and creditors were left partially or wholly unpaid.

By the end of 1999, NWSCA and MARCEL had diverted more than \$270,000, approximately 45% of PVM’s operating revenue. Most of this money was from the Medicaid program.

In 2000, MARCEL continued his pattern of diverting PVM revenue. Through the calendar year, MARCEL diverted approximately \$127,000, or approximately 15% of PVM’s overall revenue.

Between December of 1998 and March of 2001, DPHHS conducted seven separate site surveys of the nursing home to assess conditions and compliance with state law. After each survey, the administrator and MARCEL were notified of the results and directed to make and follow a plan of correction. At first, the survey results noted serious but manageable deficiencies. As time went on, the deficiencies increased in number and severity.

By mid-2000, PVM was operating at a substantial deficit each month. As numerous

employees from PVM would have testified, the nursing home was unable to pay for even the basic needs of its patients. There simply was not enough money to fully provide the residents with adequate staff, food, medicine, laundry, activities, and equipment. As a result, PVM staff began to ration such items as food and linens. Furthermore, much needed repairs and renovations were never completed.

By the end of 2000, PVM was delinquent on nearly all of its monthly bills, including the food service, pharmacy, and insurance bed taxes and payroll taxes as well as several state taxes.

By 2000, T.B.'s behavior required staffing levels and other services that PVM did not provide. T.B. was prone to yelling and confrontation whenever he needed something. Without adequate attention, T.B.'s difficult outbursts caused him to fall numerous times in 2000. The injuries related to these falls resulted in T.B.'s loss of self-ambulation. T.B.'s outbursts grew worse and his condition continued to decline. In addition, T.B. suffered from chronic pressure sores and skin ailments related to his incontinence.

Medical testimony would have established that PVM did not provide T.B. with an acceptable or professional level of care as required under the Montana Medicaid program. Testimony would have established that the failures of care related to T.B. were substantially related to the funding and staffing shortages suffered at the nursing home.

By the spring of 2001, DPHHS had identified eight PVM patients, including T.B., as being "at risk" if they remained in the facility. MARCEL was notified of these findings.

On May 29, 2001, DPHHS notified PVM that it was no longer an eligible Medicaid provider and that the facility would be shut down and the patients transferred on June 7, 2001.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that MARCEL will likely serve **all** of the time imposed by the court. In the federal system, MARCEL does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Leif M. Johnson prosecuted the case for the United States.

The investigation was conducted by an investigator with the U.S. Attorney's Office.

TERRI LYNN MAZONNA

TERRI LYNN MAZONNA, a 45-year-old resident of Billings, was sentenced to a term of:

- Prison: 12 months and 1 day

- Special Assessment: \$100
- Restitution: \$148,484
- Supervised Release: 3 years

MAZONNA was sentenced in connection with her guilty plea to social security fraud.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On July 22, 1990, MAZONNA'S former husband died. At the time, she continued to reside with the two minor children of her former husband.

On August 3, 1990, MAZONNA applied for Mother's Insurance benefits, as well as Child's Survivor benefits, through the Social Security Administration.

On August 3, 1990, MAZONNA applied with the Social Security Administration to become a representative payee for the two minor children.

In the process of applying for the foregoing, MAZONNA signed application materials advising her that she was not eligible to receive the children's benefits as a representative payee if custody of the children changed. She was also advised in the application process that she was not eligible for Mother's Insurance benefits if she remarried. In addition, through the application materials, MAZONNA was advised that she had an affirmative obligation to report changes in the status of the children's custody and if she remarried.

During the application process to become a representative payee, MAZONNA was advised of the program responsibilities of being a representative payee, including the responsibility to spend the money received for the child's needs, and the responsibility to report any change in the children's custody.

In December of 1990, MAZONNA signed over temporary custody of the children to their grandmother. In 1991, the grandmother and a great aunt were awarded custody of the children. The children have lived with the grandmother and the great aunt from October 1991 through the present.

After becoming representative payee in 1991, MAZONNA was required to file an annual report each year in which she was asked whether the minor children remained in her custody. Annual reports from 2002, 2003, and 2004 indicate that MAZONNA falsely represented to the Social Security Administration that the minor children remained in her custody.

In 2005, in an interview with an investigating agent, the grandmother confirmed that MAZONNA gave the minor children to another couple in 1990. The grandmother also confirmed that she gained legal custody of the minor children in October of 1991. She

also stated that she and MAZONNA agreed that MAZONNA would pay \$545 per month to the grandmother for the maintenance of the minor children. The grandmother was under the impression from MAZONNA that this was the entirety of children's benefit.

In 2005, in an interview with the investigating agent, MAZONNA admitted that she had not had custody of the minor children since 1991. She also admitted that she had sent only approximately 25% of the Social Security funds for the minor children to the grandmother. MAZONNA further admitted that she had falsely reported in annual filings with the Social Security Administration that the minor children were still in her custody.

During the period of the indictment, MAZONNA also received survivorship benefits for the death of her spouse in 1991 that she was not eligible to receive after her marriage in February of 2000.

MAZONNA retained approximately \$96,000 in benefits that she was obligated to transfer to the grandmother for the benefit of the minor children. In addition, MAZONNA also received approximately \$51,000 in spouse survivorship benefits after the date of her remarriage.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that MAZONNA will likely serve **all** of the time imposed by the court. In the federal system, MAZONNA does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Leif M. Johnson prosecuted the case for the United States.

The investigation was conducted by the Office of the Inspector General for the Social Security Administration.

CARSEREENA JULIA RED DOG AND LESLIE CHARLES RED DOG

CARSEREENA JULIA RED DOG, age 34, and LESLIE CHARLES RED DOG, age 35, residents of Great Falls, were sentenced in connection with their guilty pleas to federal housing assistance fraud.

CARSEREENA JULIA RED DOG and LESLIE CHARLES RED DOG were each sentenced to the following:

- Home Arrest: 6 months
- Probation: 5 years
- Restitution: \$32,455
- Special Assessment: \$100

In an Offer of Proof filed by the United States, the government stated it would have

proved at trial the following:

From August 1996 until May 31, 2005, when they voluntarily abandoned the premises, CARSEREENA and LESLIE RED DOG, and their children, lived in public housing in Great Falls under the Mod Rehab Program.

CARSEREENA and LESLIE RED DOG had a significant history of failing inspections by the management company due to the poor living conditions in which they kept the apartment.

Opportunities, Inc., a Great Falls non-profit social services organization that administers this program, discovered records in the abandoned belongings of CARSEREENA and LESLIE RED DOG, such as tax records, that suggested that the family had been receiving income in excess of that amount which qualified them for the program. Opportunities, Inc. reported their suspicions to the Department of Housing and Urban Development's Office of Inspector General.

When first applying for public housing assistance, CARSEREENA and LESLIE RED DOG represented that they expected to earn, as a household, no more than \$13,080 based exclusively on CARSEREENA RED DOG'S income. This representation entitled the family to receive \$409 per month in rental subsidy.

For the next nine years, CARSEREENA and LESLIE RED DOG regularly re-certified their eligibility, indicating that CARSEREENA RED DOG'S income was the sole source of income for the RED DOG family. Although they reported increases in her salary as a bookkeeper for Opportunities, Inc., investigation revealed, however, that during that period, LESLIE RED DOG was employed and receiving an average annual wage of over \$18,000.

CARSEREENA and LESLIE RED DOG were interviewed and admitted that they had intentionally withheld information relating to LESLIE RED DOG'S income so that they could receive and continue to receive federal housing assistance. As a result of their fraudulent conduct, CARSEREENA and LESLIE RED DOG received \$32,456 in rental subsidies to which they would not otherwise have been entitled.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that CARSEREENA and LESLIE RED DOG will likely serve **all** of the time imposed by the court. In the federal system, CARSEREENA and LESLIE RED DOG do have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by the United States Department of Housing and Urban Development and the Office of the Inspector General.

ROBERTA REDFIELD

ROBERTA REDFIELD was sentenced to a term of:

- Probation: 3 years
- Special Assessment: \$100
- Restitution: \$1,585.70

REDFIELD was sentenced in connection with her guilty plea to wire fraud.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that REDFIELD worked as a cashier at Stevenson's IGA in Lodge Grass. While working, she obtained the Electronic Benefits Transfer ("EBT") card number for food stamps for Faylene Caplett. She obtained the PIN by watching Caplette manually enter the number.

On March 29, 2003, REDFIELD used Ms. Caplett's EBT card number and PIN to make a purchase at Green's in Ashland without Ms. Caplett's consent.

REDFIELD transmitted EBT account information and transaction information from Green's to eFunds, a processor for the Montana Department of Health and Human Services, in New Berlin, Wisconsin, which forwarded the information to the Montana Access database in Helena for verification and approval, which was then transmitted back to eFunds and then to the store in Montana.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that REDFIELD will likely serve **all** of the time imposed by the court. In the federal system, REDFIELD does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Kurt Alme prosecuted this case for the United States.

The investigation was conducted by the Department of Agriculture Office of the Inspector General.

AMY LYNN RODEFER

AMY LYNN RODEFER, a 35-year-old resident of Missoula, was sentenced to a term of:

- Prison: 14 months
- Special Assessment: \$100
- Restitution: \$34,866.21
- Supervised Release: 3 years

RODEFER was re-sentenced after her original sentence was appealed to the Ninth Circuit Court of Appeals. The sentence was reversed and remanded back to U.S. District Court for re-sentencing.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that RODEFER will likely serve **all** of the time imposed by the court. In the federal system, RODEFER does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Kris McLean prosecuted this case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

STEVE SEAGER

STEVE SEAGER, a 42-year-old resident of Libby, was sentenced to a term of:

- Prison: 46 months on each of the 4 counts, sentences to run concurrent
- Special Assessment: \$400
- Restitution: \$53,528.36
- Supervised Release: 3 years

SEAGER was sentenced in connection with his guilty plea to mail fraud and money laundering.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On or about December 7, 2002, at Libby, a fire occurred at SEAGER’S residence severely damaging the structure.

SEAGER was questioned regarding the fire by the Lincoln County Sheriff’s Office and investigators from The Hartford Financial Services Group, Inc. SEAGER stated that he was at his girlfriend’s residence the night of the fire and had only learned of the fire the next day when he returned to his residence. SEAGER denied having started the fire or telling anyone that he had started the fire.

On December 19, 2002, a member of the same motorcycle club as SEAGER told an investigator from The Hartford that on at least six occasions, eight or nine months prior to the fire, SEAGER had told him that he knew he had paid too much for his house and the only way he could come out ahead on the deal was to torch the house.

On August 30, 2004, an FBI cooperating witness informed agents that on either

December 2 or December 3, 2002, the cooperating witness spoke with SEAGER while he was changing the oil in his motorcycle. SEAGER stated that he planned to burn down his house. SEAGER went on to explain how he would throw oil over the wall and then light it. SEAGER also explained how he would leave his computer, printer, dishes, towels, some clothes and television in the house during the fire in order to make it look real.

The next day, SEAGER was loading household goods into the back of his truck when he told the cooperating witness that he was getting ready to burn the house and that the cooperating witness was going to be his alibi.

On December 6, 2002, SEAGER told the cooperating witness that the house was ready and that he had poured the oil on the walls.

On December 7, 2002, at approximately 3 a.m., the cooperating witness was told by SEAGER that the cooperating witness had to go with him while he set the fire. SEAGER and the cooperating witness arrived at SEAGER'S residence between 3:30 a.m. and 4:00 a.m.

Unbeknownst to SEAGER, the cooperating witness followed SEAGER into the house and observed SEAGER in the garage lighting a propane torch. At this point, the cooperating witness left the house and sat in the truck across the street.

While in the truck, the cooperating witness observed flames through a crack in the garage door. SEAGER returned to the truck shortly thereafter.

SEAGER and the cooperating witness then returned to the cooperating witness' residence. SEAGER told the cooperating witness that if they were questioned about the fire, they should say that they were in bed all evening watching movies together.

Beginning in March 2003, SEAGER submitted several insurance claims regarding his losses following the fire.

On or about March 24, 2003, The Hartford received via U.S. mail a handwritten list reflecting SEAGER'S personal property damage.

On June 9, 2003, The Hartford received via U.S. mail SEAGER'S "Proof of Loss for Personal Property."

On June 23, 2003, The Hartford received via U.S. mail SEAGER'S "Proof of Loss for Dwelling."

Relying on SEAGER'S loss claims, The Hartford paid SEAGER \$37,247.94 to assist him with living and temporary housing expenses, as well as the cost to build a new house for him.

On July 8, 2003, The Hartford issued the first check, totaling \$22,484.69, for construction costs. SEAGER endorsed the check and then mailed it to American Equities where it was deposited into their bank account. SEAGER was to receive additional monies, but The Hartford suspended future payments upon learning that the fire may have been staged by SEAGER.

On September 16, 2004, the FBI recorded a telephonic conversation between the cooperating witness and SEAGER. The cooperating witness told SEAGER he would have to coach the cooperating witness on what to say if questioned.

On September 17, 2004, the FBI recorded another telephonic conversation between the cooperating witness and SEAGER. SEAGER coached the cooperating witness on what to say if questioned by the investigator.

On December 7, 2004, the FBI recorded a meeting between the cooperating witness and SEAGER. The cooperating witness asked about which movies SEAGER had left in the house to stage the fire. SEAGER stated he took all the movies into the house, although some of them survived the fire.

On March 7, 2005, the FBI recorded a telephonic conversation between the cooperating witness and SEAGER during which SEAGER denied burning down his house, but only after realizing that the cooperating witness might be cooperating with the FBI. SEAGER stated that he had heard through the grapevine that the cooperating witness had been talking with the FBI.

On March 8, 2005, another individual told the FBI that while she was at a party at SEAGER'S house, approximately two months before SEAGER'S house burned down, she overheard SEAGER discussing ways to burn down houses. SEAGER had also mentioned that the best place to start a house fire was in the garage.

In an interview with the FBI and Lincoln County Sheriff's Office on March 9, 2005, SEAGER admitted to starting the fire and burning down his house.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SEAGER will likely serve **all** of the time imposed by the court. In the federal system, SEAGER does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Montana State Auditor.

FAYE SLICE

FAYE SLICE, a 44-year-old resident of Butte, was sentenced to a term of:

- Prison: 71 months
- Special Assessment: \$400
- Restitution: \$108,558.17 at \$150/month
- Supervised Release: 5 years

SLICE was sentenced in connection with her guilty plea to two charges of making false statements to a bank, making false statements to the Department of Agriculture, and mail fraud.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

From March 31, 2001 through October 16, 2002, SLICE was President of the Butte Jazz Society, a Montana Nonprofit Corporation in Butte, Montana ("BJS").

On behalf of the BJS, SLICE applied for a Rural Development loan from the U.S. Department of Agriculture ("USDA") to renovate a church located in Butte that was to house the performances and other activities of the BJS. As part of the application process, SLICE submitted to the Bozeman office of the USDA, a document entitled "Loan Resolution Security Agreement," signed by SLICE as President of the BJS.

The agreement contained a forged signature of Michael McDaniel as secretary/treasurer of BJS. The agreement represented that on March 30 the Board of Directors resolved to authorize Broadway 215 to borrow \$135,000 from the United States acting through the USDA for the purpose of providing a portion of the cost of acquiring and constructing a cultural education facility. As of March 30, 2001, the BJS did not have six board members as required by its bylaws. SLICE submitted to the USDA a list of six individuals purportedly on the BJS board. Two of the individuals did not exist or had nothing to do with the BJS and the remaining three besides SLICE stated they did not approve the loan.

The agreement represented that the secretary/treasurer would have specific responsibilities regarding administration and management of the loan proceeds. SLICE knew those representations were untrue because the BJS did not have a secretary or a treasurer.

The USDA loaned \$135,000 to BJS. BJS made one payment with funds from another loan, leaving an unpaid balance on the loan of \$132,841.31.

On behalf of the BJS, SLICE also applied for a \$150,000 loan from the National Trust for Historic Preservation ("NTHP") to restore the church at 215 West Broadway in Butte.

As part of the application process, SLICE submitted to the NTHP an income statement containing a forged signature of Michael McDaniel as treasurer on January 10, 2002. The income statement represented that for fiscal year 2001 through January 10, 2002, the BJS received: \$19,080 in program fees; \$180,762 in grants and donations; \$13,254 in concessions and merchandise; and \$150 in facility rental fees; for total non-loan revenue of \$213,246. A review of the BJS bank accounts from February 1, 2001 through January 31, 2002, showed that total deposits which could possibly have been from these sources were approximately \$15,283.

As part of the application process, SLICE submitted to the NTHP a document entitled "Directors and Management Team." The document listed six individuals as the directors. Two of the individuals did not exist or had nothing to do with the BJS. One of those individuals listed as the acting secretary/treasurer, was the phonetic spelling of the name of one of SLICE'S sisters who was not connected with the BJS.

As part of the application process, SLICE submitted a resolution of the BJS Board of Directors directing the Executive Director to enter into negotiations to finalize a loan in the amount of \$150,000 from the NTHP for the purpose of emergency stabilization of the church at 215 West Broadway, purporting to be certified on July 1, 2002 by Michael McDaniel as secretary.

On May 23, 2002, the NTHP sent a commitment letter to SLICE advising her of its commitment to extend a \$150,000 loan to the BJS to assist the emergency stabilization, rehabilitation and ADA compliance for the church at 215 West Broadway. However, the loan was stopped before any funds were actually distributed.

By submitting the false information and documents to the NTHP, SLICE intended to defraud the NTHP.

On behalf of the BJS, SLICE applied for a loan from Glacier Bank for emergency stabilization of the church at 215 West Broadway in Butte.

As part of the application process, SLICE submitted a resolution, purportedly adopted on June 24, 2002, by the BJS Board of Directors directing the Executive Director to enter into negotiations to finalize a loan in the amount of \$18,000 from Glacier Bank. The resolution also contained the forged signature of Michael McDaniel as secretary.

As of June 24, 2002, the BJS did not have six board members as required by its bylaws. SLICE submitted to Glacier Bank a list of seven individuals purportedly on the BJS board. SLICE knew that two of the individuals did not exist or had nothing to do with the BJS, three others stated they did not approve the loan, and a sixth, Michael McDaniel, was not on the board.

SLICE submitted the false statements to Glacier Bank for the purpose of obtaining the \$18,000 loan. Glacier Bank loaned \$18,000 to the BJS and distributed the proceeds on

July 1, 2002.

On behalf of the BJS, SLICE applied for a loan from First National Bank of Montana, Inc. ("First National Bank"), for emergency stabilization of the church at 215 West Broadway in Butte.

As part of the application process, SLICE submitted a resolution, purportedly adopted on July 14, 2002 by the BJS Board of Directors directing the Executive Director to enter into negotiations to immediately secure a loan in the amount of \$18,000 from a Butte commercial lender. The resolution contained the forged signature of Michael McDaniel as secretary.

As of July 14, 2002, the BJS did not have six board members as required by its bylaws. SLICE submitted to First National Bank a list of seven individuals purportedly on the BJS board. SLICE knew that two of the individuals did not exist or had nothing to do with the BJS, three others stated they did not approve the loan, and a sixth, Michael McDaniel, was not on the board.

SLICE submitted the false statements to First National Bank for the purpose of obtaining an \$18,000 loan. First National Bank actually loaned the BJS \$21,271.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SLICE will likely serve **all** of the time imposed by the court. In the federal system, SLICE does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Kurt G. Alme prosecuted the case for the United States.

The investigation was a cooperative effort between the Office of the Inspector General for the United States Department of Agriculture and the Butte Silver-Bow Police Department.

SHAWN MAE WANDLE and ROY SHERMAN WANDLE

SHAWN MAE WANDLE, age 44, and ROY SHERMAN WANDLE, age 39, residents of Bozeman, were sentenced as follows:

SHAWN MAE WANDLE was sentenced in connection with her guilty plea to wire fraud to a term of:

- Probation: 2 years
- Special Assessment: \$100
- Restitution: \$1,594.30
- Supervised Release: 2 years

ROY SHERMAN WANDLE was sentenced in connection with his guilty plea to wire fraud to a term of:

- Prison: 48 months
- Special Assessment: \$100
- Restitution: \$4,572.85
- Supervised Release: 3 years

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On April 19, 2005, SHAWN WANDLE, ROY WANDLE and Christie Little traveled to Billings to join Thomas Joseph Roeber and Ryan Scott Frankforter in a scheme to defraud businesses engaged in interstate commerce.

From April 19, 2005, through April 21, 2005, Little, SHAWN WANDLE, ROY WANDLE and the others purchased merchandise from various businesses by forging checks that had been stolen from an individual in Bozeman. They then returned certain items they had purchased with the stolen checks in order to receive cash or store credit.

When questioned by law enforcement agents, SHAWN WANDLE admitted to returning merchandise that she knew had been purchased with the stolen checks for cash or store cards and that she shared in the proceeds from the purchases and returns.

When questioned by law enforcement agents, ROY WANDLE admitted to returning merchandise that he knew had been purchased with the stolen checks for cash or store cards and that he shared in the proceeds from the purchases and returns.

ROY WANDLE also admitted that he drove Little to a Wal-Mart store on at least one occasion knowing that the specific purpose of the trip was to purchase merchandise with a stolen check.

Little, Roeber, and Frankforter pled guilty to and were sentenced on federal charges.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that SHAWN WANDLE and ROY WANDLE will likely serve **all** of the time imposed by the court. In the federal system, SHAWN WANDLE and ROY WANDLE do have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

IDENTITY THEFT

AVERY R. CLARK

AVERY R. CLARK, a 47-year-old resident of Charleston, South Carolina, was sentenced to a term of:

- Prison: 54 months
- Special Assessment: \$200
- Supervised Release: 3 years

CLARK was sentenced in connection with his guilty plea to mail fraud and aggravated identity theft.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that from about December 27, 2004, and continuing until about January 6, 2005, CLARK devised a scheme to defraud and obtain money from Radian Motors in Great Falls.

CLARK pledged a vehicle title in another person's name to Radian Motors to obtain a title loan. He also filled out a title loan document using the other person's name to complete the title loan process. CLARK presented an identification card from the state of Maine in the other person's name in support of the loan application.

As a result of the title loan application, a vehicle title document was prepared by the Montana Department of Motor Vehicles and sent to Radian Motors through the mail.

CLARK did not have the permission or lawful authority to utilize the other person's name.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that CLARK will likely serve **all** of the time imposed by the court. In the federal system, CLARK does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

ELIZABETH MAE GREEN

ELIZABETH MAE GREEN, a 40-year-old resident of Missoula, was sentenced to a term of:

- Probation: 5 years
- Special Assessment: \$100

GREEN was sentenced in connection with her guilty plea to misuse of a social security number.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Agents with the Bureau of Immigration and Customs Enforcement (ICE) were advised by detectives with the Anaconda Police Department, that GREEN was suspected of using her daughter's name and social security number to gain employment.

ICE agents interviewed GREEN'S daughter, who stated her belief that GREEN was using her name and social security number to seek employment.

Testimony would have shown that GREEN did in fact use her daughter's name and social security number to gain employment at the Lake Mary Ronan Lodge in Proctor.

The owner of the Lake Mary Ronan Lodge provided agents with the W-4 form filled out by GREEN using her daughter's name and social security number.

Additional testimony would have shown that GREEN received payment from Lake Mary Ronan Lodge in the form of a payroll check made out in her daughter's name, and that GREEN had cashed the check at the Glacier Bank in Polson.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that GREEN will likely serve **all** of the time imposed by the court. In the federal system, GREEN does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

HARRY PETER JOLINE

HARRY PETER JOLINE, age 38, was sentenced to a term of:

- Prison: 40 months
- Restitution: \$51,644.65
- Special Assessment: \$200
- Supervised Release: 3 years

JOLINE was sentenced in connection with his guilty plea to Social Security misuse and aggravated identification theft.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Steven T. Schwalb lives in Lakewood, Colorado. JOLINE stayed with Mr. Schwalb for a few days in June of 2005, where he learned Mr. Schwalb's social security account number, and date of birth.

JOLINE used his own photograph, but Mr. Schwalb's identification information to obtain a Wyoming driver's license in the name of Mr. Schwalb.

On June 20, 2004, JOLINE purchased a fifth wheel trailer from a dealership in Billings. JOLINE obtained financing through Thor Credit Corp for \$51,644.65 to make the purchase. On his application for financing, JOLINE listed his name as Steven T. Schwalb, and represented that Mr. Schwalb's date of birth and social security account number were his own. JOLINE also used the Wyoming driver's license information in the name of Steven T. Schwalb as identification. Mr. Schwalb had not authorized JOLINE to use his identification information.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that JOLINE will likely serve **all** of the time imposed by the court. In the federal system, JOLINE does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Kurt G. Alme prosecuted the case for the United States.

The investigation was conducted by the Billings Police Department.

RICHARD PISCITELLO

RICHARD PISCITELLO, a 62-year-old resident of Thompson Falls, was sentenced to a term of:

- Prison: 26 months, consecutive to an 18 month sentence previously imposed
- Special Assessment: \$200
- Supervised Release: 3 years

PISCITELLO was sentenced in connection with his guilty plea to wire fraud and aggravated identity theft.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In July of 2005, PISCITELLO traveled to Romania.

Between July 14 and July 21, 2005, PISCITELLO made three phone calls from Romania to his son in Thompson Falls. PISCITELLO provided his son with seven credit card numbers during these phone calls.

The credit card numbers PISCITELLO gave his son corresponded to open credit card accounts belonging to other individuals, not PISCITELLO.

During the phone calls from Romania, PISCITELLO instructed his son to make charges against the seven credit card numbers by utilizing the electronic point of sale terminal located in the Falls Motel, a business owned by PISCITELLO.

Testimony and documentation would have shown that these charges resulted in the transfer of approximately \$9,531.70 in fraudulently obtained funds to a bank account controlled by PISCITELLO.

Additional testimony would have shown that PISCITELLO instructed his son to wire transfer funds to him in Romania via Western Union, and that approximately \$7,410 of the fraudulently obtained funds were wire transferred to PISCITELLO in Romania.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that PISCITELLO will likely serve **all** of the time imposed by the court. In the federal system, PISCITELLO does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the U.S. Secret Service.

BRANDI LEE RICHARDS

BRANDI LEE RICHARDS, a 32-year-old resident of Butte, was sentenced to a term of:

- Prison: 34 months
- Special Assessment: \$200
- Restitution: \$16,368.34
- Supervised Release: 3 years

RICHARDS was sentenced in connection with her guilty plea to aggravated identity theft and false representation of a social security number.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on or about February 21, 2005, RICHARDS used the name and

Social Security number of another person to apply for and obtain telephone services and credit services from Quest Communications.

The telephone services obtained in the other person's name were provided to a residence located in Butte. During the relevant time period, RICHARDS was the only resident at that address.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that RICHARDS will likely serve **all** of the time imposed by the court. In the federal system, RICHARDS does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by Immigration and Customs Enforcement.

THOMAS JOSEPH ROEBER

THOMAS JOSEPH ROEBER, a 27-year-old resident of Helena, appeared for sentencing. ROEBER was sentenced to a term of:

- Prison: 30 months
- Special Assessment: \$200
- Restitution: \$4,572.85
- Supervised Release: 3 years

ROEBER was sentenced in connection with his guilty plea to wire fraud and aggravated identity theft.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

From on or about April 19 through April 21, 2005, ROEBER and four co-conspirators traveled to Billings where ROEBER and the others purchased merchandise from various businesses by forging checks that had been stolen from an individual in Bozeman.

ROEBER and his co-conspirators then returned certain items they had purchased with the stolen checks to businesses in order to receive cash or store credit.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that ROEBER will likely serve **all** of the time imposed by the court. In the federal system, ROEBER does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

EDWARD DALE SESSIONS, III

EDWARD DALE SESSIONS, III, a 47-year-old resident of Billings, was sentenced to a term of:

- Prison: 41 months
- Special Assessment: \$100
- Restitution: \$8,686.36
- Supervised Release: 3 years

SESSIONS was re-sentenced after his original sentence was appealed to the Ninth Circuit Court of Appeals. The sentence was reversed and remanded back to U.S. District Court for re-sentencing.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that SESSIONS will likely serve **all** of the time imposed by the court. In the federal system, SESSIONS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

U.S. Attorney Bill Mercer and Assistant U.S. Attorney Michael S. Lahr prosecuted this case for the United States.

The investigation was a cooperative effort between the U.S. Postal Inspector and the Billings Police Department.

EDWARD ANTHONY SMITH

EDWARD ANTHONY SMITH, a 27-year-old resident of Glendale, was sentenced to a term of:

- Prison: 30 months, concurrent with a state sentence
- Special Assessment: \$200
- Restitution: \$490.60
- Supervised Release: 3 years

SMITH was sentenced in connection with his guilty plea to identity theft and possession of stolen government mail.

In an Offer of Proof filed by the United States, the government stated it would have

proved at trial the following:

On or about September 13, 2003, mail boxes for two businesses in Meridian, Idaho, were vandalized and the mail stolen from them.

On September 16, 2003, during a search of SMITH'S motel room Billings, checks made out to the Meridian, Idaho businesses were found, as well as other mail addressed to the businesses. The checks totaled \$9,840.

Also found during the search were four separate Arizona driver's licenses with SMITH'S photograph but with the names of four different individuals. In addition, two Arizona State University identification cards with SMITH'S photograph but the names of other individuals were found.

Mail and letters addressed to nine different addresses and different individuals in Roundup, Montana, were also found during the search of SMITH'S motel room.

On or about September 11, 2003, in Glasgow, SMITH altered and then forged a check that had been reported stolen while using the identification of another person.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SMITH will likely serve **all** of the time imposed by the court. In the federal system, SMITH does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Kurt G. Alme prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation, the Billings Police Department, and the Yellowstone County Sheriff's Office.

CHRISTIE MAY STAUDENMEYER

CHRISTIE MAY STAUDENMEYER, a 21-year-old resident of Butte, was sentenced to a term of:

- Prison: 24 months, consecutive to sentence of 97 months in CR 05-23-BU-DWM
- Special Assessment: \$200
- Restitution: \$2,058.43
- Supervised Release: 3 years, concurrent with 10 years in CR 05-23-BU-DWM

STAUDENMEYER was sentenced in connection with her guilty plea to wire fraud and aggravated identity theft.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on May 4 -5, 2005, STAUDENMEYER accompanied two others to Missoula where they obtained money and property by means of a scheme to defraud businesses.

STAUDENMEYER understood the purpose of the trip was to pass counterfeit checks at various businesses and she assisted in the scheme.

STAUDENMEYER and the two others stopped at the Lucky Strike Casino when they arrived in Missoula, and one of them cashed a counterfeit payroll check made out to Kathleen Carpenter in the amount of \$427.33. STAUDENMEYER was given \$50 out of the proceeds of that counterfeit payroll check.

On May 4 and 5, 2005, STAUDENMEYER and one of her companions went to the Old Navy store in Missoula and attempted to purchase merchandise on two separate occasions. Two Old Navy employees saw STAUDENMEYER and her companion together in the Old Navy store picking out merchandise. The companion first attempted to purchase merchandise with a check in Kathleen Carpenter's name which was rejected because the electronic check reading device could not read it. At that point, the companion left the store. STAUDENMEYER remained in the store shopping until around closing time. She then went to the counter with the merchandise both she and her companion had collected. Before the merchandise was rung up, STAUDENMEYER asked the store clerk to hold the merchandise while she left the store for a few minutes. STAUDENMEYER returned to the store shortly thereafter and attempted to purchase the merchandise with a check she claimed was from her father's construction business account. Old Navy refused to honor the check and STAUDENMEYER left the store.

On May 4, 2005, STAUDENMEYER passed a counterfeit check at Wal-Mart in the amount of \$210.15. The counterfeit check was purportedly from the account of Kathleen Carpenter with Carpenter's name forged on the signature line. STAUDENMEYER used a false identification card with Kathleen Carpenter's name and social security number to help her pass the check at Wal-Mart.

The date of birth and expiration date information from the fake Kathleen Carpenter identification card was written by the cashier on the counterfeit check passed by STAUDENMEYER. The identical information was written by cashiers on the counterfeit checks that STAUDENMEYER'S companion passed using the same fake identification card.

On May 5, 2005, one of the Old Navy employees, who also worked at Target, recognized STAUDENMEYER and her companion the next day and alerted store security. STAUDENMEYER and her companion applied for Target credit in the name of Kathleen Carpenter while at the Target store.

STAUDENMEYER and her companions did not have the permission or legal authority

to use the name and identification information of Kathleen Carpenter.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that STAUDENMEYER will likely serve **all** of the time imposed by the court. In the federal system, STAUDENMEYER does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

ILLEGAL ALIENS and IMMIGRATION OFFENSES

LUIS MIGUEL ACERO-LOPEZ

LUIS MIGUEL ACERO-LOPEZ, a 22-year-old resident of Mexico, was sentenced to a term of:

- Prison: 169 days
- Supervised Release: 3 years

ACERO-LOPEZ was sentenced in connection with his guilty plea to possession of false identification cards.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on August 4, 2005, ACERO-LOPEZ was encountered by Border Patrol agents at the Lakeside Motel in Baker, Montana where he was registered under the name Carlos Landeros.

ACERO-LOPEZ presented a false social security card to the agents who also saw an alien registration card in ACERO-LOPEZ’ wallet.

When questioned about the alien registration card, ACERO-LOPEZ admitted it was false and further admitted he was in the United States illegally.

At the Plentywood Station, a computerized records search of the “A” number listed on the resident alien card in ACERO-LOPEZ’ possession came back as assigned to an individual other than ACERO-LOPEZ.

A search of ACERO-LOPEZ’ wallet and backpack revealed a total of five false identification documents.

The false identification documents found in ACERO-LOPEZ' possession included three social security cards.

Records checks of the numbers revealed that none of them had been assigned to ACERO-LOPEZ.

ACERO-LOPEZ admitted all of the cards were false and that he had purchased the cards to assist him in gaining employment. ACERO-LOPEZ used one of the false social security cards to gain employment.

ACERO-LOPEZ also used one of the false social security cards to file a worker's compensation claim.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that ACERO-LOPEZ will likely serve **all** of the time imposed by the court. In the federal system, ACERO-LOPEZ does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted this case for the United States.

The investigation was conducted by the United States Border Patrol.

JORGE ANTONIO AGUILAR-GARCIA

JORGE ANTONIO AGUILAR-GARCIA, a 37-year-old resident of Mexico, was sentenced to a term of:

- Prison: 16 months
- Supervised Release: 3 years

AGUILAR-GARCIA was sentenced in connection with his guilty plea to illegal re-entry of a deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Department of Homeland Security records would have shown that AGUILAR-GARCIA is a Mexican citizen who had previously been removed from the United States on or about November 8, 1991, through Nogales, Arizona.

On July 6, 2006, AGUILAR-GARCIA was found by a Montana Department of Transportation commercial vehicle inspector in or near Shelby, who called the United States Border Patrol.

United States Border Patrol agents responded and AGUILAR-GARCIA admitted that he was from Mexico and did not have documents permitting him to be in the United States.

A check of fingerprint records showed that AGUILAR-GARCIA had been removed from the United States in 1991.

Department of Homeland Security records would have shown that AGUILAR-GARCIA never obtained nor received permission to apply for reentry from the Attorney General of the United States, or his successor, the Secretary of the Department of Homeland Security.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that AGUILAR-GARCIA will likely serve **all** of the time imposed by the court. In the federal system, AGUILAR-GARCIA does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth Horsman prosecuted the case for the United States.

The investigation was conducted by the U.S. Border Patrol.

FELIPE ALBERBERTO-MARTINEZ

FELIPE ALBERBERTO-MARTINEZ, a 25-year-old citizen of Mexico, was sentenced to a term of:

- Prison: 16 months
- Special Assessment: \$100
- Supervised Release: 1 years

ALBERBERTO-MARTINEZ was sentenced in connection with his guilty plea to illegal re-entry of a deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on or about February 28, 2005, ALBERBERTO-MARTINEZ was found in or near Billings by United States Border Patrol agents.

A records check verified that ALBERBERTO-MARTINEZ was previously deported from the United States on or about July 23, 2004, through the Port of El Paso, Texas.

Additionally, records verified that ALBERBERTO-MARTINEZ did not receive permission from the Attorney General of the United States or his successor, the Secretary for Homeland Security, to re-enter the United States.

Because there is no parole in the federal system, the “truth in sentencing” guidelines

mandate that ALBERBERTO-MARTINEZ will likely serve **all** of the time imposed by the court. In the federal system, ALBERBERTO-MARTINEZ does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted this case for the United States.

The investigation was conducted by United States Border Patrol.

ARMANDO CARDENAS AQUINIGA

ARMANDO CARDENAS AQUINIGA, a 29-year-old resident of Mexico, was sentenced to a term of:

- Prison: 7 months and 9 days (time served)
- Supervised Release: 3 years

AQUINIGA was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On May 12, 2006, Border Patrol agents engaged in conversation with individuals at the Billings Bus Station during a routine transportation check. Agents questioned individuals getting off the bus as to where they were born.

AQUINIGA was very slow in getting off the bus and avoided eye contact with the agents. When asked where he was born, AQUINIGA responded in broken English that he had been born in the United States.

When questioned further, AQUINIGA admitted that he had been born in Mexico. Based on further questioning, the agents determined that AQUINIGA was in the United States illegally and took him into custody for administrative processing.

During processing, a fingerprint check revealed that AQUINIGA had an immigration file and that he had previously been deported from the United States on July 5, 2002, through Otay Mesa, California.

A search of immigration records revealed no evidence that AQUINIGA ever requested permission from Immigration authorities to apply for re-entry into the United States.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that AQUINIGA will likely serve **all** of the time imposed by the court. In the

federal system, AQUINIGA does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the U.S. Border Patrol.

RICKARDO ARMAS

RICKARDO ARMAS, a resident of Texas, was sentenced to a term of:

- Prison: 10 months, with 5 months on home arrest
- Special Assessment: \$300
- Fine: \$5,000
- Supervised Release: 3 years

ARMAS was sentenced after having been found guilty during a 3½ -day trial of harboring illegal aliens for profit.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that ARMAS will likely serve **all** of the time imposed by the court. In the federal system, ARMAS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Eric B. Wolff prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

PAULETTA HEINZEN ARMSTRONG

PAULETTA HEINZEN ARMSTRONG, *aka* Paula Marie Armstrong, a 46-year-old resident of Kalispell, was sentenced to a term of:

- Home Arrest: 4 months, with electronic monitoring
- Community Service: 72 hours (5 hours per month)
- Restitution: \$4,000 (\$100 per month with interest waived)
- Special Assessment: \$100
- Probation: 4 years

ARMSTRONG was sentenced in connection with her guilty plea to marriage fraud.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On February 3, 2005, ARMSTRONG and Wenyuan Li were married in Polson. ARMSTRONG and Li met approximately three months prior to the wedding while working as servers at the same restaurant in Kalispell.

On March 6, 2005, following their wedding, Li filed an application to adjust status and on March 17, 2005, ARMSTRONG filed a Petition for Alien Relative with the United States Bureau of Citizenship and Immigration Services ("CIS"). Both documents were filed to initiate the process of attaining United States citizenship for Li. Upon receipt of the Petition for Alien Relative, CIS requested an investigation into Li's marriage to ARMSTRONG.

The United States Bureau of Immigration and Customs Enforcement opened an investigation into the marriage and during the course of that investigation questioned both ARMSTRONG and Li. Both parties admitted that they entered into the marriage so Li could attain United States citizenship. They also both admitted that Li agreed to pay ARMSTRONG \$15,000 for the marriage and had already paid her a partial sum of \$4,000. Both admitted that they did not live together, had no intention of living together, and were not romantically involved.

Li is a Chinese citizen and an illegal alien subject to deportation.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that ARMSTRONG will likely serve **all** of the time imposed by the court. In the federal system, ARMSTRONG does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

RODRIGO BALDODANO-BLANDON

RODRIGO BALDODANO-BLANDON, a 29-year-old resident of Nicaragua, was sentenced to a term of:

- Prison: 118 days (time served)
- Supervised Release: 1 year

BALDODANO-BLANDON was sentenced in connection with his guilty plea to re-entry of a deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On June 5, 2006, in Havre, BALTODANO-BLANDON was stopped and cited for a traffic violation by a Montana Highway Patrol officer. An agent with the Border Patrol was contacted and a review of immigration records revealed that BALTODANO-BLANDON was a resident of Nicaragua and did not have official permission of the Secretary of Homeland Security to enter or remain in the United States.

A further review of immigration records found that BALTODANO-BLANDON was previously arrested by the Border Patrol in Havre on March 8, 2005, and was removed from the United States on June 15, 2005, through Houston, Texas.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BALTODANO-BLANDON will likely serve **all** of the time imposed by the court. In the federal system, BALTODANO-BLANDON does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth Horsman prosecuted the case for the United States.

The investigation was conducted by the U.S. Border Patrol.

ROMEL BARDALES-CARDENAS

ROMEL BARDALES-CARDENAS, a 32-year-old resident of Honduras, was sentenced to a term of:

- Prison: 177 days, time served
- Special Assessment: \$100
- Supervised Release: 1 year

BARDALES-CARDENAS was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On April 24, 2006, Border Patrol agents engaged in conversation with individuals at the Billings Bus Station during a routine transportation check. The agents attempted to converse with three individuals who did not speak or understand the English language.

When asked in Spanish where they were from, the three individuals stated they were from Honduras. An agent then asked them if they had any documentation showing they were legally in the United States. All three responded that they did not. At that point, the three individuals were taken into custody for processing.

Before leaving the bus depot, the three individuals informed the Border Patrol agent

that a friend they had been traveling with was still in the restroom. They told the agent that this individual was also from Honduras.

The individual that had been in the restroom was subsequently identified as BARDALES-CARDENAS. When questioned by an agent, BARDALES-CARDENAS admitted he was from Honduras and that he did not have any documentation allowing him to be in the United States.

A fingerprint check of BARDALES-CARDENAS through IAFIS (Integrated Automated Fingerprint Identification System) revealed that BARDALES-CARDENAS had previously been removed from the United States on or about October 20, 2005, through Harlingen, Texas.

When confronted with the immigration records pertaining to his prior removal, BARDALES-CARDENAS admitted they were his records and that he had been previously deported from the United States through Harlingen, Texas on October 20, 2005.

A search of immigration records revealed that BARDALES-CARDENAS had never requested permission from immigration authorities to apply for re-entry into the United States.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BARDALES-CARDENAS will likely serve **all** of the time imposed by the court. In the federal system, BARDALES-CARDENAS does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the U.S. Border Patrol.

JAIME CAMPOS-RODRIGUEZ

JAIME CAMPOS-RODRIGUEZ, a resident of Mexico, was sentenced to a term of:

- Prison: 18 months
- Special Assessment: \$100
- Supervised Release: 3 years

CAMPOS-RODRIGUEZ was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On February 28, 2006, uniformed Border Patrol agents engaged in conversation with individuals getting off the Greyhound Bus at the Billings Bus Station during a routine transportation check. CAMPOS-RODRIGUEZ was one of the individuals that Border Patrol agents spoke to at that time.

CAMPOS-RODRIGUEZ had difficulty speaking and understanding the English, language causing the agents to suspect that he was a foreign national.

One of the agents identified himself as a Border Patrol agent and asked CAMPOS-RODRIGUEZ in Spanish where he was from. CAMPOS-RODRIGUEZ responded by stating that he was a citizen and national of Mexico.

The agent asked CAMPOS-RODRIGUEZ if he had any documents which would indicate he was in the United States legally. CAMPOS-RODRIGUEZ informed the agent that he did not have any such documents.

The agents determined that CAMPOS-RODRIGUEZ was an alien illegally in the United States and was taken into custody for administrative processing.

A records check found that CAMPOS-RODRIGUEZ had previously been deported from the United States on January 7, 2004, through Laredo, Texas. Records also indicated that CAMPOS-RODRIGUEZ had never requested permission to apply for re-entry into the United States.

Upon further questioning, CAMPOS-RODRIGUEZ admitted to being an alien and citizen of Mexico who had been previously deported from the United States.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that CAMPOS-RODRIGUEZ will likely serve **all** of the time imposed by the court. In the federal system, CAMPOS-RODRIGUEZ does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the U.S. Border Patrol.

GUSTAVO ENCARNACION CASTILLO

GUSTAVO ENCARNACION CASTILLO, a 32-year-old resident of Mexico, was sentenced to a term of:

- Prison: 36 months
- Special Assessment: \$100
- Supervised Release: 3 years

CASTILLO was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On April 17, 2006, CASTILLO was located and arrested near the Capital Hill Mall in Helena by law enforcement officers. CASTILLO admitted to the officers that he is a citizen of Mexico and that he illegally entered the United States. The officers then turned CASTILLO over to an agent with the Bureau of Immigration and Customs Enforcement.

Upon reviewing immigration records, the agent found that CASTILLO had been convicted of three misdemeanor crimes and that CASTILLO had been previously deported or removed from the United States on the following dates: November 1, 1997, from the Port of Calexico, California; March 3, 2000, from the Port of Calexico, California; and June 27, 2003, from the Port of Otay Mesa, California.

A search of the immigration database confirmed that CASTILLO had not applied for entry into the United States with the Immigration and Naturalization Service or its successor,

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that CASTILLO will likely serve **all** of the time imposed by the court. In the federal system, CASTILLO does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Paulette L. Stewart prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Immigration and Customs Enforcement and the Missouri River Drug Task Force.

MANUEL CORDOVA-OLIVAS

MANUEL CORDOVA-OLIVAS, a 34-year-old resident of Mexico, was sentenced to a term of:

- Prison: 6 months
- Supervised Release: 2 years (inactive while not residing in the U.S.)

CORDOVA-OLIVAS was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On or about January 5, 2006, agents with the U.S. Border Patrol and the Bureau of Immigration and Customs Enforcement went to the Overpass Motel in Billings in response to information that individuals staying at the motel were in the country illegally.

When questioned, CORDOVA-OLIVAS admitted he was in the country illegally and had not received permission to reenter the United States. Agents then arrested CORDOVA-OLIVAS.

A records check confirmed that CORDOVA-OLIVAS had previously been deported on September 17, 1998, through El Paso, Texas.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that CORDOVA-OLIVAS will likely serve **all** of the time imposed by the court. In the federal system, CORDOVA-OLIVAS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was a cooperative effort between the U.S. Border Patrol and the Bureau of Immigration and Customs Enforcement.

JEAN CLAUDE MARIE DERAVIN

JEAN CLAUDE MARIE DERAVIN, age 49, pled guilty and was sentenced on the charge of being an illegal alien in possession of firearms.

DERAVIN was sentenced to a term of:

- Prison: 309 days (time served)
- Special Assessment: \$100
- Fine: \$5,000
- Supervised Release: 3 years
- Forfeiture: 4 firearms

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On October 27, 2005, agents with the Bureau of Immigration and Customs Enforcement (“ICE”) made contact with DERAVIN in Whitefish to discuss his immigration status. DERAVIN invited the agents into his residence, a camp trailer, and admitted he was present in the United States on a student visa to attend the University of Florida. He further admitted that he had not attended school in Florida in approximately two years.

During the conversation with DERA VIN, one of the ICE agents observed a Ruger Super Redhawk .44 magnum revolver lying in plain view on DERA VIN'S bed.

A review of DERA VIN'S immigration records confirmed that his student visa had expired and he was illegally residing in the United States.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that DERA VIN will likely serve **all** of the time imposed by the court. In the federal system, DERA VIN does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

ANGEL GARCIA-MARTINEZ

ANGEL GARCIA-MARTINEZ, a 32-year-old resident of Mexico City, Mexico, was sentenced to a term of:

- Prison: 122 days, time served
- Supervised Release: 2 years

GARCIA-MARTINEZ was sentenced in connection with his guilty plea to possession of fraudulent immigration documents.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On May 22, 2006, two Bureau of Immigration and Customs Enforcement agents made contact with GARCIA-MARTINEZ at a motel in Great Falls and determined that he was in the United States without lawful immigration status.

An agent observed that an applicant package from Express Personnel Services in Great Falls was in GARCIA-MARTINEZ'S possession.

On May 23, 2006, the agents went to Express Personnel Services and obtained a copy of the Immigration I-9 Form. GARCIA-MARTINEZ had filled out the form on May 18, 2006, and used a false resident alien card number and social security number. GARCIA-MARTINEZ had presented the fraudulent documents, or copies of the documents, to Express Personnel Services.

Agents confirmed through immigration records that the resident alien card number was fictitious and that the card itself was fraudulent. Agents also learned from Social

Security Administration agents that the Social Security number used by GARCIA-MARTINEZ was also fictitious.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that GARCIA-MARTINEZ will likely serve **all** of the time imposed by the court. In the federal system, GARCIA-MARTINEZ does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth Horsman prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

AUDEL GARCIA-MENDOZA

AUDEL GARCIA-MENDOZA, a 32-year-old living in the Kalispell area, was sentenced to a term of:

- Prison: 21months
- Special Assessment: \$100
- Supervised Release: 3 years

GARCIA-MENDOZA was sentenced in connection with his guilty plea to illegal re-entry of a deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On or about November 8, 2005, a Department of Homeland Security agent received information from an informant working for the Northwest Drug Task Force, that GARCIA-MENDOZA was in the country illegally.

The agent investigated GARCIA-MENDOZA’S records and learned that a person by that name had been deported previously and had not been given permission to re-enter this country. The records included a photograph and the informant confirmed that the photo was GARCIA-MENDOZA.

The DHS agent arrested GARCIA-MENDOZA. When questioned, GARCIA-MENDOZA admitted he was in the country illegally and had not received permission to re-enter.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that GARCIA-MENDOZA will likely serve **all** of the time imposed by the court. In the federal system, GARCIA-MENDOZA does have the opportunity to earn a

sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was conducted by the Department of Homeland Security.

ADRIAN GOMEZ-CANO

ADRIAN GOMEZ-CANO, a 26-year-old citizen of Mexico, was sentenced to a term of:

- Prison: time served (221 days)
- Supervised Release: 1 year

GOMEZ-CANO was sentenced in connection with his guilty plea to illegal re-entry of a deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On November 21, 2005, a Border Patrol agent responded to a call from a Lincoln County Sheriff Deputy requesting that he come to Libby to act as a translator for an individual they had detained. The Border Patrol agent interviewed the subject and determined that he was a citizen of Mexico and did not possess any United States immigration documents. The individual requested that he be allowed to retrieve some personal belongings and his identification from his residence.

At the residence of the individual, the Border Patrol agent encountered GOMEZ-CANO. In a conversation with the agent, GOMEZ-CANO admitted to being a citizen of Mexico and that he did not possess any immigration documentation that allowed him to reside, work, or travel in the United States.

The agent initiated a records check and determined that GOMEZ-CANO had been removed from the United States on at least two previous occasions, the most recent being on July 24, 2003, through El Paso, Texas. The records also indicated that GOMEZ-CANO had been voluntarily returned to Mexico on several other occasions.

GOMEZ-CANO admitted to the agent that he was born and raised in Mexico and that he last entered the United States near San Luis, Arizona Port of Entry on or about April 15, 2005, as a passenger in a van that drove across the border in the desert east of San Luis. GOMEZ-CANO stated that he paid the smuggler \$1,000 U.S. dollars to cross the border.

Because there is no parole in the federal system, the “truth in sentencing” guidelines

mandate that GOMEZ-CANO will likely serve **all** of the time imposed by the court. In the federal system, GOMEZ-CANO does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

LECHO GONZALEZ-HERNANDEZ

LECHO GONZALEZ-HERNANDEZ, a citizen of Mexico, was sentenced to a term of:

- Prison: 21 months
- Special Assessment: \$100
- Supervised Release: 3 years

GONZALEZ-HERNANDEZ was sentenced in connection with his guilty plea to illegal re-entry by a deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on May 7, 2005, GONZALEZ-HERNANDEZ was arrested by Butte/Silverbow Law Enforcement during an investigation of thefts in Butte in which GONZALEZ-HERNANDEZ was among the suspects. An agent with the Department of Homeland Security interviewed GONZALEZ-HERNANDEZ over the telephone at which time alien status was established. The agent conducted a records check and found that GONZALEZ-HERNANDEZ was previously arrested and removed from the United States to Mexico on August 13, 2003, at Calexico, California.

The records check on GONZALEZ-HERNANDEZ documenting his previous deportation from the United States on August 13, 2003, revealed that he was a criminal aggravated felon based on his May 14, 2003 conviction in Utah for unlawful possession of methamphetamine. The agent detained GONZALEZ-HERNANDEZ pending administrative removal proceedings from the United States to Mexico. During administrative processing on May 9, 2005, GONZALEZ-HERNANDEZ admitted to the agent that he last entered the United States without inspection near San Ysidro, California, on or about November 20, 2004, without receiving permission from the Attorney General of the United States or his successor, the Secretary of Homeland Security, to apply for re-entry into the United States. Upon reviewing a ten-print card containing GONZALEZ-HERNANDEZ’S fingerprints as well as three Warrants of Deportation containing his fingerprint impressions, a certified fingerprint examiner with the State of Montana Criminal Investigation Division found all fingerprint impressions to be identical and belonging to GONZALEZ-HERNANDEZ.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that GONZALEZ-HERNANDEZ will likely serve **all** of the time imposed by the court. In the federal system, GONZALEZ-HERNANDEZ does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was conducted by the United States Bureau of Immigration and Customs Enforcement.

CARLOS ALBERTO GONZALEZ-ROMERO

CARLOS ALBERTO GONZALEZ-ROMERO, a 38-year-old citizen of Mexico, was sentenced to a term of:

- Prison: 30 months
- Special Assessment: \$100
- Supervised Release: 3 years

GONZALEZ-ROMERO was sentenced after having been found guilty during a 1-day trial of illegal re-entry of a deported alien.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that GONZALEZ-ROMERO will likely serve **all** of the time imposed by the court. In the federal system, GONZALEZ-ROMERO does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the U.S. Border Patrol.

HECTOR TREJO HERRERA

HECTOR TREJO HERRERA, a 31-year-old resident of Mexico, was sentenced on the charge of illegal re-entry of a removed alien.

HERRERA was sentenced to a term of:

- Prison: 172 days (time served)
- Supervised Release: 1 year

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On June 17, 2006, in Darby, HERRERA was arrested for disorderly conduct and admitted to the arresting officer that he was not authorized to be in the United States.

A review of HERRERA'S immigration records by officers of the Bureau of Immigration and Customs Enforcement ("ICE") revealed that HERRERA was removed from the United States on February 22, 2005; February 5, 2005; August 10, 2004; June 6, 2003; and February 5, 1999.

No documentation was found during a review of HERRERA'S immigration file that he had applied for permission to reenter the United States with either the Secretary of Homeland Security or the Attorney General.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that HERRERA will likely serve **all** of the time imposed by the court. In the federal system, HERRERA does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration, Customs and Enforcement.

MICHAEL WORDEN HOLLAND

MICHAEL WORDEN HOLLAND, a resident of Canada, was sentenced to a term of:

- Prison: 66 months
- Special Assessment: \$100
- Supervised Release: 2 years if HOLLAND remains in the United States

HOLLAND was sentenced after having been found guilty of attempted re-entry of a deported alien in a 2½ day trial in November 2005.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that HOLLAND will likely serve **all** of the time imposed by the court. In the federal system, HOLLAND does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth A. Horsman prosecuted this case for the United States.

The investigation was conducted by the United States Bureau of Immigration and Customs Enforcement.

LUIS FERNANDO LEPE-LEPE

LUIS FERNANDO LEPE-LEPE, a 21-year-old resident of Mexico, was sentenced to a term of:

- Prison: 10 months, consecutive to another sentence
- Special Assessment: \$100
- Supervised Release: 1 year

LEPE-LEPE was sentenced in connection with his guilty plea to illegal re-entry of a removed alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On June 28, 2006, Missoula County Sheriff's deputy stopped a vehicle in which LEPE-LEPE was a passenger. The deputy suspected that all of the occupants of the vehicle were citizens of Mexico and contacted agents from the Bureau of Immigration and Customs Enforcement (ICE).

When LEPE-LEPE was interviewed by an ICE agent, he admitted to being a citizen of Mexico illegally in the United States. Immigration records confirmed that LEPE-LEPE is a citizen of Mexico and that he has been removed from the United States on three occasions, including being removed on September 23, 2005, at Paso del Norte, Texas, following a conviction on September 14, 2005, in the District of Montana for illegal re-entry of a removed alien.

No documentation was found during a review of LEPE-LEPE'S immigration file that he had applied for permission to reenter the United States with either the Secretary of Homeland Security or the Attorney General.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that LEPE-LEPE will likely serve **all** of the time imposed by the court. In the federal system, LEPE-LEPE does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was a cooperative effort between the Missoula County Sheriff's Office and the Bureau of Immigration and Customs Enforcement.

IDELFONSO LOPEZ-FERNANDEZ

IDELFONSO LOPEZ-FERNANDEZ, age 32, was sentenced to a term of:

- Prison: 12 months
- Supervised Release: 3 years

LOPEZ-FERNANDEZ was sentenced in connection with his guilty plea to illegal re-entry after deportation.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on July 5, 2005, near Big Timber, the vehicle in which LOPEZ-FERNANDEZ was traveling was stopped for speeding by a Montana Highway Patrol officer. The officer suspected LOPEZ-FERNANDEZ was a foreign national and contacted the Border Patrol.

On July 6, 2005, a Border Patrol agent interviewed LOPEZ-FERNANDEZ who identified himself as Ricardo Garcia-Marmolejo. LOPEZ-FERNANDEZ had in his possession a Washington State identification card bearing the name Garcia-Marmolejo.

LOPEZ-FERNANDEZ'S fingerprints were run through the IAFIS data system which positively identified him as IDELFONSO LOPEZ-FERNANDEZ.

The records check established that LOPEZ-FERNANDEZ was an alien and citizen of Mexico who was previously deported from the United States on or about March 29, 1997, through the Port of Calexico, California.

LOPEZ-FERNANDEZ admitted he had used a false name and date of birth and stated that his true name was IDELFONSO LOPEZ-FERNANDEZ. He also admitted that he had been previously deported from the United States.

A review of immigration records established that LOPEZ-FERNANDEZ did not receive permission from the Attorney General of the United States or his successor, the Secretary of the Department of Homeland Security, to re-enter the United States.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that LOPEZ-FERNANDEZ will likely serve **all** of the time imposed by the court. In the federal system, LOPEZ-FERNANDEZ does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted this case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

MANUEL MAGANA-ORTIZ

MANUEL MAGANA-ORTIZ, a/k/a URIEL SAVALA-CONTRERAS, was sentenced to a term of:

- Prison: time served (150 days)
- Supervised Release: 1 year

MAGANA-ORTIZ was sentenced in connection with his guilty plea to illegal re-entry of a deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on or about September 19, 2005, Department of Homeland Security special agents received information indicating that several illegal aliens were working on a framing crew building condominiums in Whitefish.

On September 27, 2005, Immigration and Customs Enforcement (ICE) special agents made contact with and interviewed seven Mexican nationals, one of these individuals being MAGANA-ORTIZ.

MAGANA-ORTIZ admitted he was not in the country legally. MAGANA-ORTIZ was taken into custody and an ICE special agent again questioned MAGANA-ORTIZ as to his immigration status within the United States. MAGANA-ORTIZ told the special agent that he was a native and citizen of Mexico and that he did not possess any valid immigration documents to allow him to be in, pass through, or remain in the United States legally.

MAGANA-ORTIZ admitted that he entered the United States illegally on or about January 1, 2005, near San Luis, Arizona. The special agent initiated a records check on MAGANA-ORTIZ and was advised that on October 24, 2004, MAGANA-ORTIZ was arrested at the San Ysidro, California, port of entry after falsely claiming to be a United States citizen.

MAGANA-ORTIZ was placed in expedited removal proceedings and was removed from the United States on October 24, 2004, through the San Ysidro port of entry. A fingerprint check conducted by the FBI confirmed MAGANA-ORTIZ'S identity through review of his alien file.

MAGANA-ORTIZ had never received permission from any U.S. governmental agency or department to reenter the United States.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that MAGANA-ORTIZ will likely serve **all** of the time imposed by the court. In the federal system, MAGANA-ORTIZ does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the

overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

CARLOS MARTINEZ-DE LA LUZ

CARLOS MARTINEZ-DE LA LUZ, a 25-year-old resident of Mexico, pled guilty and was sentenced on the charge of illegal re-entry of a removed alien.

MARTINEZ-DE LA LUZ was sentenced to a term of:

- Prison: 133 days (time served)
- Supervised Release: 1 year

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On May 27, 2006, in Hamilton, MARTINEZ-DE LA LUZ was a passenger in a car that was stopped by a Hamilton police officer on suspicion of driving under the influence of alcohol.

MARTINEZ-DE LA LUZ was interviewed by police officers and admitted he was not authorized to be in the United States. Officers with the Bureau of Immigration and Customs Enforcement ("ICE") conducted a computer check and confirmed that MARTINEZ-DE LA LUZ was an illegal alien unlawfully residing in the United States.

A check of the Immigration Bureau records revealed that MARTINEZ-DE LA LUZ was removed from the United States on April 21, 2005, at El Paso, Texas.

A further review of his immigration file revealed that MARTINEZ-DE LA LUZ had not applied for permission with either the Secretary of Homeland Security or the Attorney General to reenter the United States.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

DIEGO MARTINEZ-RAMIREZ

DIEGO MARTINEZ-RAMIREZ, a 22-year-old resident of Mexico, was sentenced to a

term of:

- Prison: 220 days (time served)
- Supervised Release: 1 year

MARTINEZ-RAMIREZ was sentenced after having been found guilty during a 1-day trial of making false statements to a federal immigration officer.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that MARTINEZ-RAMIREZ will likely serve **all** of the time imposed by the court. In the federal system, MARTINEZ-RAMIREZ does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth Horsman prosecuted the case for the United States.

The investigation was a cooperative effort between the Whitefish Police Department and the Bureau of Immigration and Customs Enforcement.

JOSE RODOLFO MAYALLAN-MARTINEZ

JOSE RODOLFO MAYALLAN-MARTINEZ, a 28-year-old resident of Mexico, was sentenced to a term of:

- Prison: 41 months
- Special Assessment: \$100
- Supervised Release: 3 years

MAYALLAN-MARTINEZ was sentenced in connection with his guilty plea to illegal re-entry of a deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on or about September 19, 2005, a Department of Homeland Security special agent received information indicating that several illegal aliens were working on a framing crew building condominiums in Whitefish.

On September 27, 2005, Immigration and Customs Enforcement (ICE) special agents made contact with and interviewed seven Mexican nationals, one of these individuals being MAYALLAN-MARTINEZ.

MAYALLAN-MARTINEZ admitted he was not in the country legally. MAYALLAN-MARTINEZ was taken into custody and an ICE special agent again questioned MAYALLAN-MARTINEZ as to his immigration status within the United States. MAYALLAN-MARTINEZ told the special agent that he was a native and citizen of Mexico and that he did not possess any valid immigration documents to allow him to be

in, pass through, or remain in the United States legally. The special agent initiated a records check on MAYALLAN-MARTINEZ and was advised that he had been previously deported from the United States on April 18, 2000, as a criminal aggravated felon based on his May 12, 1999 conviction in Pierce County, Washington, for the unlawful delivery of cocaine and that MAYALLAN-MARTINEZ had never received permission from any U.S. governmental agency or department to reenter the United States.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that MAYALLAN-MARTINEZ will likely serve **all** of the time imposed by the court. In the federal system, MAYALLAN-MARTINEZ does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

OSMAN MENCIA-ROMERO

OSMAN MENCIA-ROMERO, a 28-year-old resident of Honduras, was sentenced to a term of:

- Prison: 6 months, then will be deported
- Supervised Release: 1 year

MENCIA-ROMERO was sentenced in connection with his guilty plea to illegal re-entry of a deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On April 24, 2006, agents with the Border Patrol engaged in conversation with individuals at the Billings Bus Station during a routine transportation check. Agents attempted to converse with MENCIA-ROMERO who did not speak or understand the English language.

When asked in Spanish by an agent where he was from, MENCIA-ROMERO stated he was from Honduras.

The agent then asked in Spanish whether MENCIA-ROMERO had any documentation showing he was in the United States legally. MENCIA-ROMERO stated that he did not have any documentation. At that point, MENCIA-ROMERO was taken into custody for

processing.

A fingerprint check of MENCIA-ROMERO revealed that MENCIA-ROMERO had been deported from the United States on or about December 14, 2001, through Houston, Texas.

When confronted with the immigration records pertaining to his prior removal, MENCIA-ROMERO admitted they were his records and that he had been previously deported from the United States through Houston, Texas on December 14, 2001.

A search of immigration records revealed that MENCIA-ROMERO had never requested permission from immigration authorities to apply for re-entry into the United States.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that MENCIA-ROMERO will likely serve **all** of the time imposed by the court. In the federal system, MENCIA-ROMERO does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the U.S. Border Patrol.

JOSE LUIS MENDEZ-RIOS

JOSE LUIS MENDEZ-RIOS, a 42-year-old citizen of Mexico, was sentenced to a term of:

- Prison: 57 months
- Special Assessment: \$ 200
- Supervised Release: 3 years

MENDEZ-RIOS was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien and possession of a false document.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On April 6, 2006, an agent with the Border Patrol encountered MENDEZ-RIOS at the Billings Bus Depot. MENDEZ-RIOS had delayed getting off the bus until all the other passengers had departed, and when first spoken to, replied in broken English.

The agent asked MENDEZ-RIOS in Spanish where he was from and MENDEZ-RIOS replied that he was from Wyoming.

When MENDEZ-RIOS was asked where he was born, he replied that he had been born in Mexico. When asked whether he had any immigration documentation allowing him to remain in the United States, MENDEZ-RIOS took a Resident Alien Card from his wallet and presented it to the agent.

A fingerprint check revealed a record of five prior removals of MENDEZ-RIOS, with the most recent being on December 12, 2001, through Nogales, Arizona. A subsequent search of immigration records revealed no evidence that MENDEZ-RIOS ever requested permission from immigration authorities to apply for re-entry into the United States. Further review found that MENDEZ-RIOS had never received resident alien status and that no Resident Alien Card had ever been issued to him.

Upon further questioning by the agent about the card, MENDEZ-RIOS admitted to the agent that the card was not real and that he had the card to gain employment in the United States.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that MENDEZ-RIOS will likely serve **all** of the time imposed by the court. In the federal system, MENDEZ-RIOS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the U.S. Border Patrol.

MOISES MICHEL-MEJIA

MOISES MICHEL-MEJIA, a 27-year-old resident of Mexico, pled guilty and was sentenced on the charge of illegal re-entry of a removed alien.

MICHEL-MEJIA was sentenced to a term of:

- Prison: 84 days (time served)
- Supervised Release: 1 year (abated while out of the United States)

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Official government immigration documents would have shown that MICHEL-MEJIA had previously been removed from the United States on three separate occasions. MICHEL-MEJIA was removed January 12, 2005, from Calexico, California; July 16, 2005, from Nogales, Arizona; and again on July 17, 2005, from Naco, Arizona.

On April 12, 2006, near Columbia Falls, an officer with the Columbia Falls Police

Department stopped MICHEL-MEJIA'S vehicle for a moving violation. The officer contacted the Bureau of Immigration and Customs Enforcement and was informed that MICHEL-MEJIA had re-entered the United States illegally.

A further review of immigration records revealed that MICHEL-MEJIA had not sought permission of the Attorney General of the United States, or his successor, the Secretary of Homeland Security, to enter or remain the United States.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that MICHEL-MEJIA will likely serve **all** of the time imposed by the court. In the federal system, MICHEL-MEJIA does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth Horsman prosecuted the case for the United States.

The investigation was a cooperative effort between Columbia Falls Police Department and the Bureau of Immigration and Customs Enforcement.

MANUEL MORENO-CHAVEZ

MANUEL MORENO-CHAVEZ, a 65-year-old citizen of Mexico, was sentenced to a term of:

- Prison: 8 months
- Supervised Release: 3 years

MORENO-CHAVEZ was sentenced in connection with his guilty plea to re-entry after removal.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On March 18, 2004, MORENO-CHAVEZ, an alien and citizen of Mexico, was deported from the United States at the Port of El Paso.

On February 26, 2006, near Oilmont, MORENO-CHAVEZ, was involved in a one-car automobile accident and was subsequently arrested for driving under the influence of alcohol. A search of immigration records revealed that MORENO-CHAVEZ had reentered the United States without receiving permission from the Attorney General of the United States or his successor, the Secretary of the Department of Homeland Security.

The records examination further revealed that MORENO-CHAVEZ had been previously deported from the United States on at least eight other occasions as well.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that MORENO-CHAVEZ will likely serve **all** of the time imposed by the court. In the federal system, MORENO-CHAVEZ does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth Horsman prosecuted the case for the United States.

The investigation was a cooperative effort between the U.S. Border Patrol and the Toole County Sheriff’s Office.

ERIK RAMOS PADILLA-NUNEZ

ERIK RAMOS PADILLA-NUNEZ, *a/k/a Andreas Padilla, a/k/a Andreas Zaiz-Lopez*, a 27-year-old resident of Mexico, was sentenced to a term of:

- Prison: 14 months
- Supervised Release: 2 years

PADILLA-NUNEZ was sentenced in connection with his guilty plea to re-entry of a deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On February 8, 2006, PADILLA-NUNEZ was deported from the United States through Nogales, Arizona.

On May 26, 2006, PADILLA-NUNEZ was apprehended at the Port of Sweetgrass by law enforcement after being denied entrance into Canada and turned away by Canadian officials at the Coutts Alberta Port of Entry, due to his criminal history and his prior immigration violation and removal from the United States.

A check of official immigration records revealed that PADILLA-NUNEZ did not have official permission of the Attorney General of the United States, or his successor, the Secretary of Homeland Security, to enter or remain in the United States.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that PADILLA-NUNEZ will likely serve **all** of the time imposed by the court. In the federal system, PADILLA-NUNEZ does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth Horsman prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Immigration and Customs Enforcement and the U.S. Border Patrol.

MIGUEL ALFONSO PADRON-VEITIA

MIGUEL ALFONSO PADRON-VEITIA, a 46-year-old resident of Cuba, PADRON-VEITIA was sentenced to a term of:

- Prison: 179 days
- Special Assessment: \$110
- Supervised Release: 1 year

PADRON-VEITIA was sentenced in connection with his guilty plea to illegal re-entry of a removed alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Department of Homeland Security (DHS) records would have shown that PADRON-VEITIA is a Cuban national who was ordered removed from the United States on or about June 8, 1993, after he failed to attend a removal hearing.

The DHS records would have also shown that on May 4, 2000, PADRON-VEITIA was designated a deportation case absconder.

On June 27, 2006, PADRON-VEITIA was detected on a video camera entering the United States from Canada through an illegal border crossing west of the Sweetgrass Port of Entry. A port officer advised U.S. Border Patrol agents that the incursion had occurred and that the subject was on a bicycle. A Border Patrol agent responded and searched the area, finding PADRON-VEITIA approximately 1/4 mile inside the United States. PADRON-VEITIA had entered without inspection as required by law.

PADRON-VEITIA identified himself to the U.S. Border Patrol as a Cuban citizen and admitted he had entered the U.S. from Canada illegally. He stated he had lived in Canada without immigration status for the last 14 years and was tired of it.

A check with Canada Border Services Agency (CBSA) revealed PADRON-VEITIA had been ordered removed from Canada in 1995 due to an aggravated assault charge and conviction. He was sentenced to one year in prison and three years of probation.

DHS electronic and official paper records would have shown that PADRON-VEITIA had not obtained permission to reenter the United States from the Attorney General of the United States, or his successor, the Secretary of the Department of Homeland Security.

Because there is no parole in the federal system, the “truth in sentencing” guidelines

mandate that PADRON-VEITIA will likely serve **all** of the time imposed by the court. In the federal system, PADRON-VEITIA does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth Horsman prosecuted the case for the United States.

The investigation was conducted by the U.S. Border Patrol.

HERMAN PETERS

HERMAN PETERS, a 29-year-old Canadian citizen, was sentenced to a term of:

- Prison: time served (2 months)
- Supervised Release: 1 year

PETERS was sentenced in connection with his guilty plea to illegal re-entry of a deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that official immigration documents showed PETERS was an alien. PETERS was deported from the United States on about February 2, 2000, from El Paso, Texas.

PETERS was personally served notice when he was removed from the United States that he was barred for 10 years from applying for re-entry at a port of entry without the express permission of the Attorney General of the United States or his successor, the Secretary of the Department of Homeland Security, or of any representative of that department.

PETERS appeared at the Port of Sweetgrass in Toole County for inspection to enter the United States on the morning of December 3, 2005, and was refused entry. The Department of Homeland Security had no record he had received permission to apply for entry to the United States since his removal in 2000.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that PETERS will likely serve **all** of the time imposed by the court. In the federal system, PETERS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth Horsman prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

OSCAR RETAMOZA-TORRECILLAS

OSCAR RETAMOZA-TORRECILLAS, a 35-year-old resident of Mexico, was sentenced to a term of:

- Prison: 1 year and 9 months
- Special Assessment: \$100
- Supervised Release: 3 years

RETAMOZA-TORRECILLAS was sentenced in connection with his guilty plea to illegal re-entry of a deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on about April 21, 2005, RETAMOZA-TORRECILLAS was found near Glendive by U.S. Border Patrol agents.

A records check verified that RETAMOZA-TORRECILLAS was previously deported from the United States on about April 21, 2004, through the Port of Laredo, Texas.

Additionally, records verified that RETAMOZA-TORRECILLAS did not receive permission from the Attorney General of the United States or his successor, the Secretary for Homeland Security, to re-enter the United States.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that RETAMOZA-TORRECILLAS will likely serve **all** of the time imposed by the court. In the federal system, RETAMOZA-TORRECILLAS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted this case for the United States.

The investigation was conducted by the United States Border Patrol.

GUADALUPE SANCHEZ-ESPARZA

GUADALUPE SANCHEZ-ESPARZA, a 47-year-old resident of Mexico, was sentenced to a term of:

- Prison: 27 months
- Special Assessment: \$200
- Supervised Release: 3 years

SANCHEZ-ESPARZA was sentenced in connection with his guilty plea to illegal re-entry of a previously deported alien and possession of a fraudulent immigration

document.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

May 2, 2006, uniformed Border Patrol agents engaged in conversation with individuals getting off the bus at the Billings Bus Station during a routine transportation check. Each passenger that got off the bus was asked where he or she was born.

An agent would have testified that SANCHEZ-ESPARZA was the fourth person that got off the bus and that he responded to the agent's question in broken English by stating he had been born in Pueblo, Colorado.

SANCHEZ-ESPARZA was hesitant and unsure in his responses to additional questions that he was asked. The agent then asked SANCHEZ-ESPARZA if he had any documents which would indicate he was in the United States legally. SANCHEZ-ESPARZA gave the agent a Permanent Resident Alien Card from his wallet.

The agent determined that the Permanent Resident Alien Card was counterfeit and again questioned SANCHEZ-ESPARZA about his nationality and place of birth. At that point, SANCHEZ-ESPARZA admitted he was from Mexico.

SANCHEZ-ESPARZA was determined to be an alien illegally in the United States and was taken into custody for processing.

A fingerprint check of SANCHEZ-ESPARZA revealed that SANCHEZ-ESPARZA had previously been removed from the United States on or about February 6, 2006, through Del Rio, Texas.

When confronted with the immigration records pertaining to his prior removal, SANCHEZ-ESPARZA admitted they were his records and that he had been previously deported from the United States through Del Rio, Texas on February 6, 2006.

A search of immigration records revealed that SANCHEZ-ESPARZA had never requested permission from immigration authorities to apply for re-entry into the United States. A further search of the records revealed that SANCHEZ-ESPARZA had never applied for nor received resident alien status and that no Permanent Resident Alien Card was ever issued to him by the United States.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SANCHEZ-ESPARZA will likely serve **all** of the time imposed by the court. In the federal system, SANCHEZ-ESPARZA does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the U.S. Border Patrol.

NESTOR SANDOVAL-SANDOVAL

NESTOR SANDOVAL-SANDOVAL, a 39-year-old citizen of Mexico, appeared for sentencing. SANDOVAL-SANDOVAL was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$100
- Supervised Release: 3 years

SANDOVAL-SANDOVAL was sentenced in connection with his guilty plea to illegal re-entry of a deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On December 17, 2004, a vehicle in which SANDOVAL-SANDOVAL was a passenger was stopped by a Billings Police officer.

SANDOVAL-SANDOVAL identified himself to the officer as Hector Lopez and presented a Nevada State Identification Card and a Mexican Identification Card bearing the name Hector Lopez-Ortega. Because he had difficulty communicating with SANDOVAL-SANDOVAL, the police officer contacted the Border Patrol for assistance.

A Border Patrol agent requested that SANDOVAL-SANDOVAL provide his name and date of birth. SANDOVAL-SANDOVAL first identified himself to the Border Patrol agent as Hector Lopez and admitted he had been born in Mexico. SANDOVAL-SANDOVAL was asked whether he had documentation allowing him to be in the United States. SANDOVAL-SANDOVAL stated that he was arranging the necessary paperwork. When the Border Patrol agent informed SANDOVAL-SANDOVAL that he was going to run a check on the name Hector Lopez to confirm his claim, he admitted that his true name was NESTOR SANDOVAL-SANDOVAL.

A database check revealed that SANDOVAL-SANDOVAL is a citizen of Mexico who had previously been deported from the United States on April 27, 2001, from the Port of Laredo, Texas.

A review of immigration records established that SANDOVAL-SANDOVAL had not applied to the Attorney General of the United States or his successor, the Secretary of the Department of Homeland Security, for permission to re-enter the United States.

Because there is no parole in the federal system, the “truth in sentencing” guidelines

mandate that SANDOVAL-SANDOVAL will likely serve **all** of the time imposed by the court. In the federal system, SANDOVAL-SANDOVAL does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the U.S. Border Patrol.

ELIO RAMON SERVELLON-CARDONA

ELIO RAMON SERVELLON-CARDONA, a 22-year-old resident of Honduras, was sentenced to a term of:

- Prison: time served
- Supervised Release: 2 years

SERVELLON-CARDONA was sentenced in connection with his guilty plea to illegal re-entry of a deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On September 14, 2006, an agent with the U.S. Border Patrol found SERVELLON-CARDONA in a farmhouse near Sweetgrass after having been alerted to SERVELLON-CARDONA'S presence there by a farmer-rancher.

A check of Department of Homeland Security records revealed that SERVELLON-CARDONA is a citizen of Honduras who had been formally removed from the United States on at least two occasions.

In February of 2004, SERVELLON-CARDONA was found in Eagle Pass, Texas, and having entered the United States illegally, was convicted of illegal entry and thereafter removed from the United States.

In November of 2005, SERVELLON-CARDONA was next found in or near San Clemente, California, and having entered the United States illegally again, removed through the Chandler Airport in Arizona, on December 14, 2005.

Further review of the records indicated that SERVELLON-CARDONA had not received permission to apply for re-entry from the Attorney General of the United States, or his successor, the Secretary of the Department of Homeland Security.

Because there is no parole in the federal system, the “truth in sentencing” guidelines

mandate that SERVELLON-CARDONA will likely serve **all** of the time imposed by the court. In the federal system, SERVELLON-CARDONA does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth Horsman prosecuted the case for the United States.

The investigation was conducted by the U.S. Border Patrol - Havre Sector.

PHILIP ALEXANDER TRAVALLIA

PHILIP ALEXANDER TRAVALLIA, a 58-year-old Canadian citizen, was sentenced to a term of:

- Prison: 65 months
- Special Assessment: \$100
- Supervised Release: 3 years

TRAVALLIA was sentenced in connection with his guilty plea to attempted re-entry of a deported alien.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On December 22, 2005, TRAVALLIA appeared at the Sweetgrass Port of Entry for inspection to enter to the United States. TRAVALLIA completed a written declaration form stating that he was a Canadian citizen and was seeking to enter the United States to attend his daughter’s wedding in Butte. On the form he also indicated that he had never lived in the United States, never been deported, and had never been arrested, charged, or convicted of a crime.

Immigration records indicated that TRAVALLIA had been deported from the United States on November 22, 2002, through the Sweetgrass Port of Entry after a criminal conviction and commitment to a term of imprisonment at the Montana State Prison for drug trafficking-related offenses.

When interviewed, TRAVALLIA admitted he was not entering the United States to attend his daughter’s wedding and that he had not truthfully answered questions on the Department of Homeland Security declaration form.

TRAVALLIA had not requested or received official permission to apply for re-entry from the Attorney General or his successor in interest, the Secretary of the Department of Homeland Security.

Because there is no parole in the federal system, the “truth in sentencing” guidelines

mandate that TRAVALLIA will likely serve **all** of the time imposed by the court. In the federal system, TRAVALLIA does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth Horsman prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

MARIO VAZQUEZ-VAZQUEZ

MARIO VAZQUEZ-VAZQUEZ, a 24-year-old resident of Mexico, pled guilty and was sentenced on charges of misuse of a Social Security number and fraud related to visas, permits, and other documents.

VAZQUEZ-VAZQUEZ was sentenced to a term of:

- Prison: 122 days (time served)
- Supervised Release: 3 years

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Records from the Motor Vehicle Division in Helena would have shown that on or about July 8, 2003,VAZQUEZ-VAZQUEZ used a false Social Security number to obtain a Montana driver’s license renewal. As a result, the MDOT issued a driver’s license to VAZQUEZ-VAZQUEZ, bearing his photograph.

Social Security Administration records would have proved that the Social Security number used by VAZQUEZ-VAZQUEZ to obtain a Montana driver’s license renewal was not issued to him.

On April 23, 2006, VAZQUEZ-VAZQUEZ used a false alien registration number and stated that he was a lawful permanent resident of the United States on an Immigration Employment Verification Form (I-9) to gain employment in West Yellowstone.

Department of Homeland Security records would have proved that VAZQUEZ-VAZQUEZ is a citizen of Mexico and an alien who did not have permission to work in the United States on July 8, 2003, or April 23, 2006.

Assistant U.S. Attorney Elizabeth Horsman prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement and the Federal Bureau of Investigation.

INDIAN COUNTRY - BLACKFEET RESERVATION

LYLE MICHAEL AIMSBACK

LYLE MICHAEL AIMSBACK, a 20-year-old resident of Heart Butte, was sentenced to a term of:

- Prison: 25 months
- Special Assessment: \$100
- Supervised Release: 3 years

AIMSBACK was sentenced in connection with his guilty plea to sexual abuse of a minor.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 14-15, 2006, a fourteen-year-old girl held a party at her house and AIMSBACK was present at the party.

The fourteen-year-old girl would have testified that she eventually ordered everyone to leave the house. She would have also testified that she was intoxicated and passed out in her bedroom. She awoke to find that AIMSBACK was having sexual relations with her.

The fourteen-year-old girl would have further testified that she later reported the conduct to a school counselor, who subsequently reported the conduct to the police.

On January 16, 2006, AIMSBACK was interviewed by the police. AIMSBACK admitted that he attended the party at the fourteen-year-old girl's house, left, and then returned to her house. AIMSBACK also admitted that he had sexual relations with the girl. AIMSBACK stated that the girl was fifteen-years-old.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that AIMSBACK will likely serve **all** of the time imposed by the court. In the federal system, AIMSBACK does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Bureau of Indian Affairs in Browning.

JEFFREY BIRDRASSLER

JEFFREY BIRDRASSLER, a 20-year-old resident of Browning, was sentenced to a term of:

- Probation: 3 years
- Restitution: \$4,786.22
- Special Assessment: \$100

BIRDRASSLER was sentenced in connection with his guilty plea to criminal mischief.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 13, 2006, at approximately 4:53 a.m., the Browning Police Department responded to a call of possible gun shots being fired in the Flat Iron Housing area on the Blackfeet Indian Reservation.

A police officer responded and upon his arrival, he observed a window broken out of a residence on the north end of the drive. After the officer parked in the driveway, he observed a male waving at him from a couple of houses east of the officer's location. The male ran up to the officer and indicated he had called the police after hearing several gun shots from on top of the hill behind his house. The officer and this individual then heard two more gun shots and the officer advised the individual to return to his house and get everyone into a small room and lay down.

The officer shut off his headlights and drove around the southeast side of the residence where he parked. At that time, the officer observed that all of the street lights and house lights in the inner housing area were out. The officer had passed two houses when he heard another gun shot, which was so loud that it made his ears ring and he could feel the concussion of the noise in his police car. The officer then crouched down in the car, accelerated, and after leaving the area, turned his lights back on and proceeded into the College Row housing area. Further investigation ensued with members of the Browning Police Department, deputies from Glacier, Toole and Pondera counties, and the F.B.I. Investigation revealed that BIRDRASSLER was having a party and he was the suspected shooter.

At approximately 7:17 a.m., the officers surrounded the BIRDRASSLER residence. An officer, using an intercom, advised BIRDRASSLER to vacate his residence. BIRDRASSLER refused to do so. BIRDRASSLER'S grandfather arrived, spoke with BIRDRASSLER, and BIRDRASSLER then left the residence. Officers then entered the residence and observed an individual sleeping in a bedroom in the rear of the residence. That individual was removed from the residence. Bud Harwood was located in the attic of the home. All three individuals were detained and transported to the Browning Police Department.

Upon his arrest, BIRDRAFTER admitted he went outside and fired two shots from a rifle into the air. BIRDRAFTER stated he then took the rifle back inside the house and put the gun into a closet in the back bedroom.

Later BIRDRAFTER heard three gunshots coming from the middle bedroom in the house. He went to the middle bedroom. At that time, he observed Harwood standing next to the window with the same rifle.

BIRDRAFTER again took the rifle from Harwood and fired two shots out of the window into the air. BIRDRAFTER then took the rifle to his bedroom and put it in his closet. He then went to the living room and sat on the couch.

Sometime later, BIRDRAFTER heard the police outside his residence asking him to surrender. BIRDRAFTER then took the rifle and placed it into the attic. Harwood told BIRDRAFTER that he was going up into the attic to hide.

Law enforcement officers interviewed residents of the Flat Iron Housing area. Several residents had heard the gun shots being fired and had feared for their lives.

It was determined that four transformers, one street light, and a guy wire had to be replaced. The value of those items was \$3,200.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BIRDRAFTER likely serve **all** of the time imposed by the court. In the federal system, BIRDRAFTER does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Browning Police Department.

DOUGLAS KARL BREMNER

DOUGLAS KARL BREMNER, a 43-year-old resident of Browning, was sentenced to a term of:

- Prison: 78 months
- Special Assessment: \$100
- Supervised Release: 3 years

BREMNER was sentenced in connection with his guilty plea to sexual abuse.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On June 14-15, 2003, BREMNER attended a party at a residence on the Blackfeet Indian Reservation. Witnesses would have testified that those present at the party eventually passed out.

In the early morning hours of June 15, 2005, one of the individuals awoke to find BREMNER attempting to engage in sexual intercourse with a 25-year old female who suffers from a form of mental retardation similar to Downs Syndrome and who is unable to communicate. The individual who observed BREMNER and others then chased BREMNER from the residence.

On January 26, 2006, BREMNER was interviewed by a FBI agent and admitted that following the party, he laid next to the victim and fondled her.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that BREMNER will likely serve **all** of the time imposed by the court. In the federal system, BREMNER does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation in Browning.

KENNETH BULL CHILD

KENNETH BULL CHILD, a 35-year-old resident of Browning, was sentenced to a term of:

- Prison: 120 months
- Special Assessment: \$100
- Supervised Release: 3 years

BULL CHILD was sentenced after having been found guilty during a 1-day trial of assault resulting in serious bodily injury.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that BULL CHILD will likely serve **all** of the time imposed by the court. In the federal system, BULL CHILD does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Bureau of Indian Affairs in Browning.

RODRIGO FLORES

RODRIGO FLORES, a 27-year-old resident of Browning, was sentenced to a term of:

- Prison: 4 years and 9 months
- Special Assessment: \$100
- Supervised Release: 3 years
- Restitution: \$1,600

After a day and a half federal district court trial, RODRIGO FLORES, a 27-year-old resident of Browning, was found guilty of assault with a dangerous weapon.

On March 29, 2005, at approximately 4:10 a.m., a special agent with the Bureau of Indian Affairs, was notified that an assault had occurred on the Blackfeet Indian Reservation and that the victim was at the Indian Health Service Hospital Emergency Room.

Upon arrival at the Emergency Room, the special agent observed two police officers with the victim. The agent observed a bleeding wound near the victim's hairline. The attending physician indicated the victim suffered a skull fracture and was going to be transported to another medical facility for further treatment.

The special agent proceeded to the scene of the assault. Witnesses indicated they had observed FLORES, also known as "Rigo," assault the victim with a metal bar. A police officer discovered a dumbbell bar in a field adjacent to the assault site. The police officer indicated that FLORES was located near the dumbbell in the field.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that FLORES will likely serve **all** of the time imposed by the court. In the federal system, FLORES does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted this case for the United States.

he investigation was a cooperative effort between the Federal Bureau of Investigation and the Bureau of Indian Affairs in Browning.

DONNA M. FOUNDAGUN

DONNA M. FOUNDAGUN, a 49-year-old resident of Browning, was sentenced to a term of:

- Prison: 6 months
- Special Assessment: \$100

- Restitution: \$2,355
- Supervised Release: 3 years

FOUNDAGUN was sentenced in connection with her guilty plea to theft.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In July of 2003, a man with whom FOUNDAGUN had a previous relationship with, advised authorities that someone had taken a number of blank checks from his home in East Glacier. He stated that the stolen checks were subsequently forged in the amount of approximately \$3,840 and that he suspected FOUNDAGUN had stolen the checks.

On July 21, 2003, FOUNDAGUN was interviewed and admitted that she had stolen the checks. She also admitted to forging the checks and that she had cashed the forged checks at various businesses in Browning and Cut Bank.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that FOUNDAGUN will likely serve **all** of the time imposed by the court. In the federal system, FOUNDAGUN does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation in Browning.

LORIN MICHAEL GOBERT

LORIN MICHAEL GOBERT, a 40-year-old resident of Browning, was sentenced to a term of:

- Prison: 37 months
- Special Assessment: \$100
- Restitution: \$1,305
- Supervised Release: 3 years

GOBERT was sentenced in connection with his guilty plea to involuntary manslaughter.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that at approximately 8:00 p.m on September 1, 2005, during daylight hours, a three-year-old was riding his bike on a street in Browning near his family home. The speed limit on that road was 25 miles per hour.

A witness heard a vehicle traveling on the street at a high rate of speed. The witness

heard the vehicle's engine "racing" as though it were accelerating and heard a loud noise. The witness saw the three-year-old victim's body lying in the street and a light blue truck leave the scene.

Various law enforcement officers responded to the scene of the accident. The victim died as a result of a fractured skull.

Shortly after the accident, another witness drove around Browning looking for the truck in question. The witness observed GOBERT inspecting the front grill of a light blue pickup truck. The witness spoke with GOBERT, who acted as though he had been drinking. The witness left the area in order to summon the police and when he returned to the area, GOBERT was gone.

A Bureau of Indian Affairs officer found and detained GOBERT approximately two hours after the accident. GOBERT admitted that he struck the victim.

GOBERT submitted to a blood alcohol concentration (BAC) test approximately two and one-half hours after the accident and his BAC was .124.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that GOBERT will likely serve **all** of the time imposed by the court. In the federal system, GOBERT does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation and the Bureau of Indian Affairs.

BUD HARWOOD

BUD HARWOOD, a 20-year-old resident of Browning, was sentenced to a term of:

- Probation: 3 years
- Restitution: \$4,786.22
- Special Assessment: \$100

HARWOOD was sentenced in connection with his guilty plea to criminal mischief.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 13, 2006, at approximately 4:53 a.m., the Browning Police Department responded to a call of possible gun shots being fired in the Flat Iron Housing area on the Blackfeet Indian Reservation.

A police officer responded and upon his arrival, he observed a window broken out of a residence on the north end of the drive. After the officer parked in the driveway, he observed a male waving at him from a couple of houses east of the officer's location. The male ran up to the officer and indicated he had called the police after hearing several gun shots from on top of the hill behind his house. The officer and this individual then heard two more gun shots and the officer advised the individual to return to his house and get everyone into a small room and lay down.

The officer shut off his headlights and drove around the southeast side of the residence where he parked. At that time, the officer observed that all of the street lights and house lights in the inner housing area were out. The officer had passed two houses when he heard another gun shot, which was so loud that it made his ears ring and he could feel the concussion of the noise in his police car. The officer then crouched down in the car, accelerated, and after leaving the area, turned his lights back on and proceeded into the College Row housing area. Further investigation ensued with members of the Browning Police Department, deputies from Glacier, Toole and Pondera counties, and the F.B.I. Investigation revealed that Jeffrey Birdrattler was having a party and he was the suspected shooter.

At approximately 7:17 a.m., the officers surrounded the Birdrattler residence. An officer, using an intercom, advised Birdrattler to vacate his residence. Birdrattler refused to do so. Birdrattler's grandfather arrived, spoke with Birdrattler, and Birdrattler then left the residence. Officers then entered the residence and observed an individual sleeping in a bedroom in the rear of the residence. That individual was removed from the residence. HARWOOD was located in the attic of the home. All three individuals were detained and transported to the Browning Police Department.

Upon his arrest, Birdrattler admitted he went outside and fired two shots from a rifle into the air. Birdrattler stated he then took the rifle back inside the house and put the gun into a closet in the back bedroom.

Later Birdrattler heard three gunshots coming from the middle bedroom in the house. He went to the middle bedroom. At that time, he observed HARWOOD standing next to the window with the same rifle.

Birdrattler again took the rifle from HARWOOD and fired two shots out of the window into the air. Birdrattler then took the rifle to his bedroom and put it in his closet. He then went to the living room and sat on the couch.

Sometime later, Birdrattler heard the police outside his residence asking him to surrender. Birdrattler then took the rifle and placed it into the attic. HARWOOD told Birdrattler that he was going up into the attic to hide.

Law enforcement officers interviewed residents of the Flat Iron Housing area. Several residents had heard the gun shots being fired and had feared for their lives.

It was determined that four transformers, one street light, and a guy wire had to be replaced. The value of those items was \$3,200.

Birdrattler pled guilty to federal charges and has been sentenced.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that HARWOOD will likely serve **all** of the time imposed by the court. In the federal system, HARWOOD does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Browning Police Department.

KEVIN MICHAEL HOPE

KEVIN MICHAEL HOPE, a 32-year-old resident of Browning, was sentenced to a term of:

- Prison: 12 months
- Special Assessment: \$100
- Restitution: \$1,890
- Supervised Release: 3 years

HOPE was sentenced in connection with his guilty plea to burglary.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

The Montana Chief Mountain Firefighter Program is an Indian tribal organization of the Blackfeet Tribe of Indians. The program is housed in a building in Browning, which is within the exterior boundaries of the Blackfeet Indian Reservation.

On March 8, 2004, an employee of the Montana Chief Mountain Firefighter Program discovered that 19 chainsaws were missing from the building. The chainsaws were stolen between February 1, 2004, and March 8, 2004, and the value of the chainsaws was approximately \$6,000.

During an investigation of the theft of the chainsaws, an agent with the Bureau of Indian Affairs learned that HOPE had previously solicited another individual to help steal the chainsaws.

The agent also learned that HOPE had sold three chainsaws to two individuals some time after March 10, 2004. An employee of the Montana Chief Mountain Fire Fighter Program subsequently identified two of the chainsaws as among those stolen from the

program.

HOPE had also pawned a chainsaw at a pawnshop in Great Falls and the serial number for that chainsaw matched the serial number for one of the stolen chainsaws.

HOPE was arrested in December of 2005. During an interview after his arrest, HOPE confessed he broke a window on the program's building, entered the building, and stole six of the chainsaws. He also admitted that he sold at least two of the chainsaws for \$200 each.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that HOPE will likely serve **all** of the time imposed by the court. In the federal system, HOPE does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Bureau of Indian Affairs in Browning.

WAYNE ERIC JORGENSEN

WAYNE ERIC JORGENSEN, a 23-year-old resident of Browning, was sentenced to a term of:

- Prison: 22 months
- Special Assessment: \$100
- Supervised Release: 3 years

JORGENSEN was sentenced in connection with his guilty plea to burglary.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On September 29, 2004, an elderly man who lived in Browning, within the exterior boundaries of the Blackfeet Indian Reservation, was hospitalized in Great Falls.

On September 29, 2004, an agent with the Bureau of Indian Affairs responded to a report that someone was breaking into the elderly man's residence. The officer found JORGENSEN outside the residence. The officer arrested JORGENSEN and upon searching him, found a prescription bottle for a controlled substance which had been prescribed to the elderly man who was in the hospital.

When interviewed, JORGENSEN admitted that he knew the elderly man was in the hospital when he broke into his house.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that JORGENSEN will likely serve **all** of the time imposed by the court. In the federal system, JORGENSEN does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation in Browning.

PATRICIA MARIE LAPLANT

PATRICIA MARIE LAPLANT, a 46-year-old resident of Browning, was sentenced to a term of:

- Probation: 3 years
- Restitution: \$600
- Special Assessment: \$100

LAPLANT was sentenced in connection with her guilty plea to burglary.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 2, 2005, LAPLANT was at her parents’ home on the Blackfeet Indian Reservation. She had not been authorized to enter the home. LAPLANT’S sister discovered that LAPLANT had their mother’s purse hidden under her shirt.

LAPLANT left the house and her mother later discovered that approximately \$600 was missing from her purse.

When interviewed, LAPLANT admitted that she entered the residence and stole \$460 from her mother’s purse.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that LAPLANT will likely serve **all** of the time imposed by the court. In the federal system, LAPLANT does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Bureau of Indian Affairs in Browning.

MALCOLM NEW ROBE

MALCOLM NEW ROBE, a 20-year-old resident of Browning, was sentenced to a term of:

- Prison: 33 months
- Special Assessment: \$200
- Supervised Release: 3 years

NEW ROBE was sentenced in connection with his guilty plea to involuntary manslaughter.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On July 1, 2004, NEW ROBE was driving southbound on a two-lane highway near Browning. Two other individuals were passengers in his vehicle.

NEW ROBE and another southbound vehicle began racing. During the course of the race, the two cars “swapped” lanes, with one car sometimes driving southbound in the northbound lane.

As the two vehicles approached the rear of a third southbound vehicle, the third vehicle attempted to move into the northbound lane to avoid hitting a bump in the road. As the third vehicle moved into the northbound lane, it struck the rear end of the vehicle that NEW ROBE had been racing. The collision knocked the two vehicles back into the southbound lane.

NEW ROBE then went into the northbound lane to avoid hitting the two vehicles. However, a fourth car was also traveling northbound in the northbound lane of traffic. His car collided with NEW ROBE’S car. The two individuals in NEW ROBE’S car were thrown from the car and died as result of injuries they suffered when thrown from the car.

NEW ROBE survived the accident. He admitted that he had consumed a pint of whiskey prior to the accident. His BAC was 0.168 several hours after the accident. The Montana Highway Patrol concluded the accident was caused by alcohol intoxication, excessive speed, and drag racing.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that NEW ROBE will likely serve **all** of the time imposed by the court. In the federal system, NEW ROBE does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation in Browning.

PATRICIA BETTERMAN PAUL

PATRICIA BETTERMAN PAUL, a 49-year-old resident of Helena, was sentenced to a term of:

- Prison: 16 months
- Special Assessment: \$100
- Restitution: \$17,868 (this was paid in full in March of 2006 directly to Pondera County)
- Supervised Release: 2 years

PAUL was sentenced after having been found guilty during a 3-day trial of theft from a federally funded agency.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that PAUL will likely serve **all** of the time imposed by the court. In the federal system, PAUL does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by the Inspector General’s Office for the United States Department of the Interior.

STEWARD RAY PEPION

STEWARD RAY PEPION, an 18-year-old resident of Browning, was sentenced to a term of:

- Prison: 120 months
- Special Assessment: \$100
- Supervised Release: 3 years

PEPION was sentenced in connection with his guilty plea to assault of a federal employee.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On December 31, 2005, a Bureau of Indian Affairs police officer was dispatched to a residence in Browning in response to a disturbance complaint. Upon arriving at the scene, the police officer and other BIA law enforcement officers were informed that

PEPION, who was armed with a knife, was inside the residence. Officers also were informed that there were two women trapped in the residence.

The officers entered the residence and observed PEPION waving a knife. One of the officers attempted to disarm and arrest PEPION. PEPION resisted arrest and stabbed the officer's leg with the knife. PEPION was then subdued by the other law enforcement officers. The injured officer required medical attention for the lacerations to his leg.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that PEPION will likely serve **all** of the time imposed by the court. In the federal system, PEPION does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Bureau of Indian Affairs in Browning.

KENNETH SKUNKCAP

KENNETH SKUNKCAP, *a/k/a KENNETH BUFFALO*, a 50-year-old resident of Browning, was sentenced to a term of:

- Prison: 20 months
- Special Assessment: \$200
- Supervised Release: 2 years

SKUNKCAP was sentenced in connection with his guilty plea to two counts of assault on a federal employee.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On April 26, 2004, two officers with the Bureau of Indian Affairs arrested SKUNKCAP, who was intoxicated and posing a public nuisance. The officers transported SKUNKCAP to the Blackfeet Tribal Jail where he was turned over to the custody of a BIA correctional officer.

When the officer asked SKUNKCAP to change into the clothing provided for inmates, SKUNKCAP refused to do so. When the officer tried to remove SKUNKCAP'S right boot, SKUNKCAP attempted to strike the officer.

The officer subdued SKUNKCAP and pinned him to the floor. SKUNKCAP continued to struggle with the officer. During the course of the struggle, SKUNKCAP struck the officer in the eye with his elbow. The officer suffered a painful laceration to his eye.

Other officers then helped restrain SKUNKCAP and he was placed in a cell.

On February 18, 2005, a BIA officer responded to a complaint that SKUNKCAP was intoxicated and urinating in public near the Head Start School in Browning. Upon arriving at the scene, the officer placed SKUNKCAP under arrest. As the officer attempted to place SKUNKCAP in the patrol car, SKUNKCAP spun around and punched the officer in the face and continued to swing his fist at the officer. The officer and SKUNKCAP continued to wrestle with each other, during which time SKUNKCAP kicked and punched the officer and attempted to take the officer's handgun. The officer was able to subdue SKUNKCAP.

The officer was treated at a local emergency room for his injuries.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SKUNKCAP will likely serve **all** of the time imposed by the court. In the federal system, SKUNKCAP does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorneys Joseph E. Thaggard and Anna S. Peckham prosecuted the case for the United States.

The investigation was conducted by the Bureau of Indian Affairs.

MARCUS SPOTTED BEAR

MARCUS SPOTTED BEAR, a 25-year-old resident of Browning, was sentenced to a term of:

- Prison: 41 months
- Special Assessment: \$200
- Supervised Release: 3 years

SPOTTED BEAR was sentenced in connection with his guilty plea to two counts of assault with a dangerous weapon.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that Carolyn Thomas was previously romantically involved with SPOTTED BEAR'S brother Gilbert Spotted Bear. In 2001, Gilbert Spotted Bear died due to injuries from an automobile accident. Ms. Thomas believed that MARCUS SPOTTED BEAR and his family blamed her for Gilbert Spotted Bear's death. Ms. Thomas believed the rift constituted a source of trouble between herself and SPOTTED BEAR'S family.

On December 5, 2003, Carolyn Thomas was at an apartment rented by another individual. SPOTTED BEAR entered the apartment, brandishing a samurai sword.

SPOTTED BEAR ran toward her with the sword.

The individual saw SPOTTED BEAR menacing Ms. Thomas with the sword and ran toward SPOTTED BEAR as he swung the sword at Thomas. An altercation ensued between the individual and SPOTTED BEAR. The individual's fingers were cut during the course of the altercation.

The individual eventually took the sword from SPOTTED BEAR and the police were called. A Bureau of Indian Affairs police officer arrested SPOTTED BEAR at the scene. A detention officer later found SPOTTED BEAR was clad in a bullet proof vest and possessed handcuffs.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SPOTTED BEAR will likely serve **all** of the time imposed by the court. In the federal system, SPOTTED BEAR does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joe Thaggard prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

JEANINE YELLOWHORSE

JEANINE YELLOWHORSE, a 34-year-old resident of Browning, was sentenced to a term of:

- Prison: 46 months
- Restitution: \$5,000
- Special Assessment: \$100
- Supervised Release: 3 years

YELLOWHORSE was sentenced in connection with her guilty plea to involuntary manslaughter.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On April 6, 2004, at approximately 4:00 p.m., on BIA Route 1 on the Blackfeet Indian Reservation, YELLOWHORSE was driving a pickup truck at approximately 80 miles per hour.

A witness who was driving behind YELLOWHORSE'S pickup would have testified that YELLOWHORSE'S pickup drove off the road and rolled and that the occupants of the vehicle were thrown from the vehicle.

The witness would have also testified that he saw YELLOWHORSE, the driver of the vehicle, on the ground near the truck and that he saw the passenger in the truck and that he was deceased.

The Glacier County Coroner found that the passenger died as the result of injuries he suffered during the accident.

Forensic toxicology tests found that YELLOWHORSE'S blood alcohol concentration was .349 after the accident.

A Montana Highway Patrolman would have testified that the accident was caused by the driver's alcohol intoxication, inattentiveness, and operation of a motor vehicle at an excessive speed for the road conditions.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that YELLOWHORSE will likely serve **all** of the time imposed by the court. In the federal system, YELLOWHORSE does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation and the Bureau of Indian Affairs in Browning.

INDIAN COUNTRY - CROW RESERVATION

DANIEL CURTIS BIGMAN

DANIEL CURTIS BIGMAN, age 20, was sentenced in connection with his guilty plea to two counts of kidnaping, four counts of aggravated sexual abuse, and one count of assault with a dangerous weapon in a separate case, to a term of:

- Prison: Life for each of the 2 counts of kidnaping and 4 counts of aggravated sexual abuse; and 120 months for the assault with a dangerous weapon count, to run concurrent
- Special Assessment: \$700

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on January 30, 2005, at around midnight, a car was parked outside a home in Billings where two girls were talking. The two were approached by BIGMAN, Patrick Doyle and two other people, asking for a ride. The two girls agreed, and BIGMAN asked to use the bathroom in the residence before they left. BIGMAN armed himself with knives from the kitchen before they left. The girls gave the four a ride to

the area of 8th Avenue and Avenue D, where the other two people got out. BIGMAN asked the girls if they would drive him and Doyle to BIGMAN's mother's residence. The girls agreed, but became concerned as the drive took them farther and farther into the country south of Billings. One of the girls attempted to call 911, but had no cellular phone service; the other girl took a photo of Doyle with her cell phone.

During the period of time the victims were with BIGMAN and Doyle, they were kidnaped and forced to engage in sexual acts against their will.

As they were driving into Lame Deer, one of the victims saw a police car and flagged down the officer by gesturing and waving from the back seat. The officer stopped the car and the girls reported they had been kidnaped and raped at knife point.

The victims were taken to the Lame Deer Emergency Room and BIG MAN was arrested. Doyle was arrested hiding in the garage of his grandmother's residence a short distance from Lame Deer.

The events occurred on both the Crow and Northern Cheyenne Indian Reservations.

Doyle pled guilty to federal charges and has been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BIGMAN will likely serve **all** of the time imposed by the court. In the federal system, BIGMAN does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted this case for the United States.

The investigation was a cooperative effort between the Bureau of Indian Affairs and the Federal Bureau of Investigation.

QUINTIN BIRDINGROUND, SR.

QUINTIN BIRDINGROUND, SR. was sentenced to a term of:

- Prison: 2 years
- Special Assessment: \$10

BIRDINGROUND was sentenced in connection with his guilty plea to assault by striking, beating and wounding.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on June 30, 2003, the victim was preparing his sweat lodge northeast of his residence, which is within the boundaries of the Crow Indian Reservation. Earlier in the day, he had invited a family to use the sweat lodge due to a

loss in their family. Soon thereafter, the victim's brother, QUINTIN BIRDINGROUND, SR. arrived in his vehicle and told the victim that he did not want anybody else using the sweat lodge.

An argument ensued between the two. QUINTIN BIRDINGROUND, SR. exited his vehicle with a baseball bat in his hands. The two fought with each other on the ground. QUINTIN hit the victim with the bat several times.

The victim sustained a laceration to the top of his head, two large welts on both arms, and four welts on his back.

Assistant U.S. Attorney Lori Suek prosecuted this case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

SAMUEL R. BONKO

SAMUEL R. BONKO, a 20-year-old resident of Crow Agency, was sentenced to a term of:

- Prison: 108 months
- Special Assessment: \$100
- Restitution: to be set
- Supervised Release: 5 years

BONKO was sentenced in connection with his guilty plea to aggravated sexual abuse.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on or about January 1, 2005, near Crow Agency, which is within the boundaries of the Crow Indian Reservation, BONKO engaged in a sexual act with a child who had not attained the age of twelve years.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BONKO will likely serve **all** of the time imposed by the court. In the federal system, BONKO does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted this case for the United States.

The investigation was a cooperative effort between the Bureau of Indian Affairs and the Federal Bureau of Investigation.

THOMAS BULLTAIL

THOMAS BULLTAIL, a 45-year-old resident of Lodge Grass, was sentenced to a term of:

- Prison: 6 months
- Special Assessment: \$10
- Supervised Release: 1 year

BULLTAIL was sentenced after having been found guilty during a 1½ day trial of striking, beating and wounding.

On November 15, 2004, the victim was attacked and beaten by BULLTAIL. The assault occurred at the residence of a female witness who at the time lived in Lodge Grass. She is now deceased. The witness was previously in a relationship with BULLTAIL and was dating the victim at the time of the assault. BULLTAIL found the victim in her bedroom. BULLTAIL beat and kicked the victim causing lacerations to his face and hand. He also suffered a broken finger and a re-fracture of an already broken arm.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that BULLTAIL will likely serve **all** of the time imposed by the court. In the federal system, BULLTAIL does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted this case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

MITCHELL CHANDLER

MITCHELL CHANDLER, a 21-year-old resident of Crow Agency, was sentenced to a term of:

- Prison: 210 months
- Special Assessment: \$100
- Supervised Release: 5 years

CHANDLER was sentenced in connection with his guilty plea to second degree murder.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that during the evening hours of Wednesday, May 26, 2004, and the early morning hours of Thursday, May 27, 2004, an outdoor high school graduation party was held on the Little Light Reunion property near Dunmore, which is located within the boundaries of the Crow Indian Reservation.

Approximately 40 young people attended the party and a number of them were drinking. Fights broke out between several different people, including one altercation between a minor, age 17, and CHANDLER. The minor and CHANDLER wrestled with each other and threw punches at each other, until others at the party pulled the two apart. In May of 2004, the minor was 5'9" tall and weighed approximately 215 pounds; CHANDLER was 6'2" tall and weighed approximately 220 pounds.

After the altercation ended, CHANDLER left the party with his wife and a friend driving a blue Dodge minivan. CHANDLER and his friend returned to the party after CHANDLER armed himself with a knife from the van. Immediately upon returning to the party, CHANDLER parked the van, got out and approached the minor. Immediately upon approaching the minor, CHANDLER stabbed the victim five times, including two stab wounds to the upper right abdomen, penetrating the liver and causing massive hemorrhage; one stab wound to the lower pelvic area; one stab wound to the top of the head; and one stab wound to the left chest, perforating the heart. After stabbing the victim five times, and with him lying face down on the ground apparently unconscious, CHANDLER kicked him in the head and neck area several times.

As the victim lay unconscious on the ground, one of the party members pulled CHANDLER off him and several others picked the victim up to carry him to his car. As they put him in the backseat of his car, they finally realized that he had been stabbed. The car would not start, so others including CHANDLER, carried the victim to CHANDLER'S van. CHANDLER, accompanied by two other individuals, drove him to the Crow Indian Health Service Emergency Room. IHS ER personnel attempted to revive the victim, but were unsuccessful. He was pronounced dead from the stab wounds inflicted by CHANDLER.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that CHANDLER will likely serve **all** of the time imposed by the court. In the federal system, CHANDLER does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

U.S. Attorney Bill Mercer stated, "Violent crime in Indian Country is a high priority for my office. We believe this sentence is appropriate given the nature of the offense."

Assistant U.S. Attorney Marcia Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Bureau of Indian Affairs.

PATRICK DOYLE

PATRICK DOYLE, age 21, was sentenced in connection with his guilty plea to two counts of kidnapping and four counts of aggravated sexual abuse to a term of:

- Prison: Life for each of the 2 counts of kidnaping and 4 counts of aggravated sexual abuse
- Special Assessment: \$600

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on January 30, 2005, at around midnight, a car was parked outside a home in Billings where two girls were talking. The two were approached by Bigman, DOYLE and two other people, asking for a ride. The two girls agreed, and Bigman asked to use the bathroom in the residence before they left. Bigman armed himself with knives from the kitchen before they left. The girls gave the four a ride to the area of 8th Avenue and Avenue D, where the other two people got out. Bigman asked the girls if they would drive him and Doyle to Bigman's mother's residence. The girls agreed, but became concerned as the drive took them farther and farther into the country south of Billings. One of the girls attempted to call 911, but had no cellular phone service; the other girl took a photo of Doyle with her cell phone.

During the period of time the victims were with Bigman and Doyle, they were kidnaped and forced to engage in sexual acts against their will.

As they were driving into Lame Deer, one of the victims saw a police car and flagged down the officer by gesturing and waving from the back seat. The officer stopped the car and the girls reported they had been kidnaped and raped at knife point.

The victims were taken to the Lame Deer Emergency Room and BIG MAN was arrested. Doyle was arrested hiding in the garage of his grandmother's residence a short distance from Lame Deer.

The events occurred on both the Crow and Northern Cheyenne Indian Reservations.

Daniel Bigman pled guilty to federal charges and has been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that Bigman will likely serve **all** of the time imposed by the court. In the federal system, Bigman does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted this case for the United States.

The investigation was a cooperative effort between the Bureau of Indian Affairs and the Federal Bureau of Investigation.

JOLENE LOIS ENICK

JOLENE LOIS ENICK, a 37-year-old resident of Crow Agency, was sentenced to a term of:

- Probation: 2 years
- Special Assessment: \$100
- Restitution: \$3,501.18 (interest waived)

ENICK was sentenced in connection with her guilty plea to theft.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On October 13, 2003, at approximately 8:00 a.m., the Bureau of Indian Affairs dispatch center received a report that the Project Telephone Office was on fire. The Crow Agency Volunteer Fire Department as well as Crow Tribal Police responded.

On October 28, 2003, the Project Telephone Manager received information that there were inconsistencies in the financial reports prepared by ENICK documenting payments by customers for phone service. The information suggested that ENICK was stealing money.

In addition, after the fire on October 13, 2003, ENICK claimed that money she had placed in a cash bag for deposit burnt in the fire. She stated that she saw burnt remnants of the money bag and money at the scene. The fire department personnel found no such evidence. Project Telephone then audited ENICK'S records.

On November 10, 2003, and again on January 20, 2004, ENICK was interviewed. Initially she denied stealing any money and continued in her claim that the money had burned in the fire. However, when confronted again on January 20, 2004, she admitted that she had stolen cash from Project Telephone. ENICK stated that she was unsure of the exact amount that she stole, but she admitted to stealing between \$1,000 - \$2,000 in cash.

An audit of the records revealed that approximately \$3,500 from payments and petty cash were missing.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that ENICK will likely serve **all** of the time imposed by the court. In the federal system, ENICK does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was conducted by the Bureau of Indian Affairs.

ANTHONY PRETTY ON TOP

ANTHONY PRETTY ON TOP, an 18-year-old resident of Crow Agency, was sentenced to a term of:

- Prison: 41 months
- Special Assessment: \$100
- Supervised Release: 3 years

PRETTY ON TOP was sentenced in connection with his guilty plea to assault with a dangerous weapon.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

That on January 20, 2006, PRETTY ON TOP, the victim, and several other individuals were at a residence on the Crow Indian Reservation in Dunmore where they had been drinking throughout the afternoon and evening. The victim and another person had been teasing PRETTY ON TOP throughout this time. At some point, the teasing erupted into a verbal argument between PRETTY ON TOP and the victim.

Later on in the evening, the victim and several others decided to eat some food and then go to bed. PRETTY ON TOP asked for a ride into town but because of the level of intoxication of all present at the house, no one was willing to give him a ride.

PRETTY ON TOP then went to the back bedroom where the victim was sleeping. Shortly thereafter, several people in the house heard a loud commotion coming from the bedroom. Upon entering the bedroom, they found PRETTY ON TOP and the victim fighting. Witnesses would have testified that the victim kept asking PRETTY ON TOP why he was hitting him and PRETTY ON TOP responded by cussing and continuing to hit the victim.

As the victim got up from the floor and sat on the edge of the bed, PRETTY ON TOP kicked the victim in the face. The victim then stood and walked out the front door but then came back inside and told one of the individuals that he had been stabbed and was having trouble breathing. The victim was then driven to a hospital where he received medical attention for five puncture wounds to his right chest.

When interviewed, PRETTY ON TOP stated that he went to the bedroom to take the victim's car keys and while they were wrestling for the keys, he saw a black-handled pocket knife. He grabbed the knife and stabbed the victim.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that PRETTY ON TOP will likely serve **all** of the time imposed by the court. In the federal system, PRETTY ON TOP does have the opportunity to earn a sentence

reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

RICHARD REDFIELD

RICHARD REDFIELD, a 35-year-old resident of Lodge Grass, was sentenced to a term of:

- Prison: 97 months
- Special Assessment: \$100
- Restitution: \$13,313.02
- Supervised Release: 3 years

REDFIELD was sentenced in connection with his guilty plea to degradation of government property.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On October 30, 2005, at approximately 2:00 a.m., a Bureau of Indian Affairs police officer was dispatched to a house party in Lodge Grass.

While the officer was in the residence, REDFIELD crawled out of a window of the house, got into the officer’s police cruiser and drove away erratically and recklessly. After a short distance, the car began to spin and then overturned down an embankment. The damage to the police cruiser was in excess of \$13,000.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that REDFIELD will likely serve **all** of the time imposed by the court. In the federal system, REDFIELD does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

EUGENE RAYMOND RISING SUN

EUGENE RAYMOND RISING SUN, age 25, was sentenced to a term of:

- Prison: (2) consecutive life sentences
- Special Assessment: \$200
- Restitution: \$5,173.00

RISING SUN was sentenced in connection with his guilty plea to two counts of second degree murder.

U.S. Attorney Mercer said, "Today's consecutive life sentences are just punishment for Eugene Rising Sun's heinous acts. This sentence will protect the public from him and promote respect for the law. It also vindicates the interests of justice for the families of the victims. With today's sentence, we have finality in a matter of great importance to the Crow Nation and Montana.

Although investigations may not yield answers and chargeable cases at the outset, federal investigators and prosecutors are vigilant and thorough in their attempts to solve violent crimes on Montana's Indian Reservations. Timely resolution of violent crimes is important, however we must ensure that only the guilty are charged and the cases are viable. In this case, some questioned the pace of the investigation. However, Rising Sun was in custody almost immediately after the crime and the pace was necessary to achieve the result in this case. In the future, this example should counsel for restraint before allegations are made about the pace of an investigation or the good faith of the law enforcement community."

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On November 25, 2003, law enforcement officers with the Big Horn County Sheriff's Office, the Crow Tribal Police, and federal law enforcement were investigating the disappearance of two women, LaFonda Big Leggins and Koran Diebert.

The women were last seen on November 18, 2003, in the company of EUGENE RISING SUN and his brothers.

At approximately 11:00 a.m., on November 25, 2003, Undersheriff Hert and Detective Dalton, of the Big Horn County Sheriff's Office, conducted a taped interview with a former girlfriend of Moses Rising Sun, RISING SUN'S brother and co-defendant. The former girlfriend stated that on the morning of November 19, 2003, Moses came to her apartment driving a red Corsica. While at her apartment, Moses told her that the missing women had been with him and his brothers during the prior evening in the red Corsica. She further stated that Moses told her that the women were beaten to death by his brother, EUGENE RISING SUN, in a remote location on the Crow Indian Reservation, because EUGENE believed that one of the women was an informant and had questioned EUGENE about drugs. Moses then stated that they (he and his brothers) left the women at the location.

Armed with the directions from the source about the location of the women, law enforcement began a search for the women but were unable to locate them on November 25, 2003. The search was suspended and the officers returned to Hardin.

On November 27, 2003, the bodies of both victims were discovered by a citizen as he was driving his vehicle along Big Horn County Road 50A. The bodies were found near the Two Leggin's fishing access point, approximately 5 miles from Highway 313 and within the boundaries of the Crow Indian Reservation.

Autopsy results indicated that both victims died of blunt force trauma to the head caused by a heavy blunt instrument.

The red Corsica was searched. Items of clothing and a rock were recovered from the vehicle. In addition, on December 3, 2003, two pieces of a part of a car jack were recovered from the crime scene. Also on December 3, 2003, a witness reported seeing the red Corsica parked at an abandoned house on the Crow reservation. The witness noted the car because she recognized it as belonging to Moses Rising Sun. Law enforcement executed a search warrant at the abandoned house, which had been occupied by the Rising Sun family. A garbage can outside of the house contained various items of clothing. Some appeared to have possible blood stains and it also appeared that the items had been burned.

DNA testing was conducted on the items seized from the Corsica, the car jack parts, and on the items taken from the garbage can. Koren Diebert's blood was found on the rock, the weatherstripping from the car, and on both pieces of the car jack. LaFonda Big Leggin's blood was found on two shoes seized from the barrel. Blood from both Diebert and Big Leggin's was found on a watch seized from the barrel.

Moses was interviewed by law enforcement. Moses finally admitted that LaFonda Big Leggin's and Koren Diebert were with him and his brothers, including EUGENE RISING SUN, during the night of November 18, 2003, and the early morning hours of November 19, 2003. He further admitted that after drinking and driving around during the evening, they drove to an area in rural Big Horn County. Moses stated that he got out of the car to relieve himself. Big Leggin's and EUGENE RISING SUN also got out of the car. Moses then heard a thump and one of the women started screaming. Moses stated he witnessed EUGENE RISING SUN hit Big Leggin's and accuse her of being a "narc." EUGENE RISING SUN then ran after Diebert and repeatedly hit her with something. Moses stated that they left the women at the scene.

During the time between the murders and when the bodies were found, several individuals would have testified that they overheard EUGENE RISING SUN make statements about the murders. One witness would have testified that EUGENE RISING SUN talked about cleaning up blood and the need to bag the clothing. Another witness would have testified that EUGENE RISING SUN admitted that he had killed the women by beating them.

Moses Rising Sun pled guilty to and has been sentenced on federal charges.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that RISING SUN will likely serve **all** of the time imposed by the court. In the federal system, RISING SUN does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation, the Bureau of Indian Affairs, the Crow Tribal Police and the Big Horn County Sheriff’s Office.

MOSES KALANI RISING SUN

MOSES KALANI RISING SUN, a 21-year-old resident of Crow Agency, was sentenced to a term of:

- Prison: 15 months
- Special Assessment: \$100
- Restitution: \$5,167
- Supervised Release: 3 years

RISING SUN was sentenced in connection with his guilty plea to accessory after the fact relating to the murders of LaFonda Big Leggins and Koren Nola Deibert.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that RISING SUN will likely serve **all** of the time imposed by the court. In the federal system, RISING SUN does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Bureau of Indian Affairs.

INDIAN COUNTRY - FORT BELKNAP RESERVATION

KENNETH JOHN ARCAND

KENNETH JOHN ARCAND, a 21-year old resident of Havre, was sentenced to a term of:

- Prison: life
- Special Assessment: \$100
- Supervised Release: 5 years (if ever applicable)

ARCAND and Bobbi Jo Wing were sentenced after having been found guilty during a 2½ day trial of first degree murder.

On April 9, 2005, the victim died of smoke inhalation. The victim died because Wing and ARCAND intentionally set fire to a residence, which is located within the boundaries of the Fort Belknap Indian Reservation.

On April 9, 2005, at approximately 5:00 a.m., F.B.I. special agents responded to the site of the house fire. They were later joined by the deputy state fire marshal. The deputy state fire marshal processed the evidence from the scene and confirmed the presence of the victim, who was killed in the fire.

On the night of April 8, 2005, the victim attended a party at the residence. The residence was owned by Peggy Wing, but Wing and ARCAND lived at the residence. The ownership of the house had long been a subject of dispute among the Wing family members. On this particular night, a number of individuals, including Wing and ARCAND, were at the party. Chad and Clyde Wing argued over the ownership of the house and began to fight. Individuals heard Bobbi Wing, ARCAND and another person threaten to burn the house down. Bobbi Wing and the other person advised the partygoers to grab what they could and take it outside. Wing and ARCAND moved clothes and household goods out of the house. Three individuals saw the other person actually throw a lighted piece of paper on one of the living room couches, however that fire was extinguished.

Shortly after the incident inside the house, Wing and ARCAND set fire to the house. ARCAND lit insulation in the carport. Wing set fire to a couch in the living room.

Earlier in the evening, the victim had been drinking at the party and went to a back bedroom of the house to go to sleep. The victim was in the bedroom when the fire started. Only after the fire engulfed the house was any attempt made to account for the victim.

On May 12, 2005, Wing and ARCAND confessed to intentionally setting fire to and burning down the residence.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that Wing and ARCAND will likely serve **all** of the time imposed by the court. In the federal system, Wing and ARCAND do have the opportunity to earn sentence reductions for “good behavior.” However, these reductions will not exceed 15% of their overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was a cooperative effort between the Fort Belknap Law Enforcement Services and the Federal Bureau of Investigation.

LAWRENCE DEAN JACKSON, JR.

LAWRENCE DEAN JACKSON, JR., a 28-year-old resident of Fort Belknap, was sentenced to a term of:

- Prison: 120 months, consecutive to another sentence
- Special Assessment: \$100
- Supervised Release: 3 years

JACKSON was sentenced after having been found guilty during a 1-day trial of maiming. The jury found that JACKSON bit parts of the victim's nose and ear off, and then bit the victim's finger. .

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that JACKSON will likely serve **all** of the time imposed by the court. In the federal system, JACKSON does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

GERALD RIDER

GERALD RIDER, a 42-year-old resident of the Fort Belknap Indian Reservation, was sentenced to a term of:

- Prison: 235 months, consecutive to a previous conviction with 168 months
- Special Assessment: \$600
- Restitution: \$9,312.00
- Supervised Release: life

RIDER was sentenced in connection with his guilty plea to six counts of aggravated sexual abuse.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on June 15, 2004, the Federal Bureau of Investigation began an investigation of RIDER based on allegations of sexual abuse made by six children

against RIDER.

Multiple incidents of aggravated sexual abuse with the six victims occurred throughout 2001 on the Fort Belknap Indian Reservation. The victims ranged in ages from six to eleven

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that RIDER will likely serve **all** of the time imposed by the court. In the federal system, RIDER does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Suek prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

BOBBI JO WING

BOBBI JO WING, a 25-year old resident of Dodson, was sentenced to a term of:

- Prison: life
- Special Assessment: \$100
- Supervised Release: 5 years (if ever applicable)

WING and co-defendant Kenneth John Arcand were sentenced after having been found guilty during a 2½ day trial of first degree murder.

On April 9, 2005, the victim died of smoke inhalation. The victim died because WING and Arcand intentionally set fire to a residence, which is located within the boundaries of the Fort Belknap Indian Reservation.

On April 9, 2005, at approximately 5:00 a.m., F.B.I. special agents responded to the site of the house fire. They were later joined by the deputy state fire marshal. The deputy state fire marshal processed the evidence from the scene and confirmed the presence of the victim, who was killed in the fire.

On the night of April 8, 2005, the victim attended a party at the residence. The residence was owned by Peggy Wing, but WING and Arcand lived at the residence. The ownership of the house had long been a subject of dispute among the Wing family members. On this particular night, a number of individuals, including WING and Arcand, were at the party. Chad and Clyde Wing argued over the ownership of the house and began to fight. Individuals heard BOBBI WING, Arcand and another person threaten to burn the house down. BOBBI WING and the other person advised the partygoers to grab what they could and take it outside. WING and Arcand moved clothes and household goods out of the house. Three individuals saw the other person actually throw a lighted piece of paper on one of the living room couches, however that

fire was extinguished.

Shortly after the incident inside the house, WING and Arcand set fire to the house. Arcand lit insulation in the carport. WING set fire to a couch in the living room.

Earlier in the evening, the victim had been drinking at the party and went to a back bedroom of the house to go to sleep. The victim was in the bedroom when the fire started. Only after the fire engulfed the house was any attempt made to account for the victim.

On May 12, 2005, WING and Arcand confessed to intentionally setting fire to and burning down the residence.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that WING and Arcand will likely serve **all** of the time imposed by the court. In the federal system, WING and Arcand do have the opportunity to earn sentence reductions for “good behavior.” However, these reductions will not exceed 15% of their overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was a cooperative effort between the Fort Belknap Law Enforcement Services and the Federal Bureau of Investigation.

INDIAN COUNTRY - FORT PECK RESERVATION

TYLER LYDEL ACKERMAN

TYLER LYDEL ACKERMAN, a 20-year-old resident of Frazer, was sentenced to a term of:

- Prison: 46 months
- Special Assessment: \$100
- Supervised Release: 3 years

ACKERMAN was sentenced in connection with his guilty plea to assault resulting in serious bodily injury.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On April 6, 2004, ACKERMAN was convicted of and sentenced for driving under the influence of alcohol. The conviction and sentence was in Fort Peck Tribal Court.

Witnesses would have testified that ACKERMAN had spent part of the afternoon of January 1, 2005, drinking from a large jug of vodka.

On January 1, 2005, at 6:45 p.m., although he did not possess a valid driver's license, ACKERMAN was driving a car west on U.S. Highway 2 between Wolf Point and Frazer, within the boundaries of the Fort Peck Indian Reservation. There was a front-seat passenger and a back-seat passenger in the car ACKERMAN was driving.

At the same time, a woman was driving east on U.S. Highway 2 between Frazer and Wolf Point on her way back from Helena to Wolf Point. She was alone in her vehicle and she had deliberately delayed her return trip to Wolf Point from Helena until later in the day on January 1, 2005, in an attempt to avoid contact with inebriated drivers. She was driving cautiously and under the speed limit because the roads were partially snow-covered and the temperature was about 20 degrees below zero.

Two miles east of Frazer, ACKERMAN drove his vehicle across the center line into the eastbound lane of Highway 2 and smashed head-on into the woman's vehicle. The woman's vehicle came to rest off the south berm of the road. ACKERMAN'S vehicle came to rest in the middle of Highway 2, facing south, straddling the center line.

The locations of the vehicles after the collision indicated that both vehicles were traveling at about the same speed at the time of the collision. In addition, those locations, the marks in the eastbound travel lane, the residual debris, and the damage to the vehicles established that the collision occurred within the woman's designated lane of travel.

The woman's right leg, from her knee to her foot, was shattered by the collision. She suffered a smashed right knee cap, five severe compound fractures to her lower right leg, and extensive damage to her right ankle. Her leg was operated on multiple times in an effort to avoid the amputation of her right foot.

The woman was hospitalized for over a month and can no longer walk without the aid of a cane. In addition, she will need to undergo right knee replacement surgery in the near future. She also suffered a stability fracture to her neck as a result of the collision.

Testimony would have been provided that at the time of the accident, ACKERMAN'S blood alcohol content was at least .17.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that ACKERMAN will likely serve **all** of the time imposed by the court. In the federal system, ACKERMAN does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Anna S. Peckham prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation, the Fort Peck Criminal Investigation Division, the Montana Highway Patrol, and the Valley County Sheriff's Office.

ROBERT WILLIS BAESLER

ROBERT WILLIS BAESLER was sentenced to a term of:

- Prison: 52 months
- Special Assessment: \$100
- Supervised Release: 3 years

BAESLER was sentenced in connection with his guilty plea to conspiracy to possess with intent to distribute marijuana.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that BAESLER acknowledged that from on or about 2001 and before up to April 20, 2005, and after, in Miles City and other areas, BAESLER, together with others conspired, and agreed to possess with intent to distribute at least 50 kilograms of marijuana.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BAESLER will likely serve **all** of the time imposed by the court. In the federal system, BAESLER does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Jim Seykora prosecuted the case for the United States.

CURTIS D. BIRD

CURTIS D. BIRD, a 35-year-old resident of Glendive, was sentenced to a term of:

- Prison: 3 years and 6 months
- Special Assessment: \$100
- Supervised Release: 3 years
- Restitution: \$185 to the victim, \$12,216 to Crime Victims Compensation Fund

BIRD was sentenced in connection with his guilty plea to assault resulting in serious bodily injury.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that during the early morning of December 20, 2003, the victim went to BIRD'S apartment in Wolf Point to confront him about offering alcohol to children.

A confrontation occurred between the victim and BIRD at BIRD'S apartment. BIRD threatened the victim and told him to leave. As the victim left the apartment building, BIRD yelled at the victim and the victim returned to BIRD'S apartment.

The confrontation between the two became physical. The victim left BIRD'S apartment again. BIRD followed the victim out of the apartment building. BIRD approached the victim and slashed at him with a steak knife.

BIRD stabbed the victim but he managed to get the knife away from BIRD and BIRD ran away. The victim remained at the location until he was transported to the hospital for treatment of head and shoulder wounds.

Shortly after the incident, the police located BIRD at his brother's residence in Wolf Point. Eventually BIRD was taken into custody.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BIRD will likely serve **all** of the time imposed by the court. In the federal system, BIRD does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Craig Haller prosecuted this case for the United States.

The investigation was a cooperative effort between the Fort Peck Tribe Criminal Investigation Unit and the Federal Bureau of Investigation.

KATHRYN ELISABETH DAMON

KATHRYN ELISABETH DAMON, a 39-year-old resident of Wolf Point, was sentenced in connection with her guilty plea to theft to a term of:

- Probation: 3 years
- Restitution: \$10,000
- Special Assessment: \$100

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

From the summer of 2004 until January 2005, Heather Martell and DAMON worked at the Git-N-Go convenience store in Wolf Point, which is within the boundaries of the Fort Peck Indian Reservation.

During that time period, Martell and DAMON stole money and lottery tickets from the store and used the stolen proceeds to purchase methamphetamine and to gamble. Martell and DAMON helped each other purchase methamphetamine, shared the methamphetamine they purchased, and used the methamphetamine together at the

store.

On January 11, 2005, the proprietor of the Git-N-Go store realized there were significant cash shortages and cash advances relating to Martell and the shifts that she worked at the store. In addition, just prior to January 11, 2005, he had received a bonus from the Montana Lottery based upon a large increase in the store's distribution of lottery tickets. However, he was not aware that the store had increased its lottery ticket sales.

The manager confronted Martell with his suspicions. Martell immediately became upset and stated that she would pay the money back. The manager then fired Martell. A few days later, Martell called the manager and told him that she was not the only person stealing money from the store.

The manager reviewed the store's surveillance video and determined that DAMON, as well as Martell, had acted in a suspicious manner inside the store.

On February 1, 2005, DAMON was interviewed by law enforcement personnel and admitted to sharing methamphetamine with Martell at the store. DAMON stated that she and Martell took turns purchasing the methamphetamine. DAMON admitted that she stole money from the store's till and attempted to cover up the thefts by ringing up "no sales" on the cash register.

Following the manager's discovery of the theft of lottery tickets from the Git-N-Go convenience store, he contacted the Montana Lottery Commission. The lottery commission then reviewed its records of the lottery activity at the store beginning in March 2004, and extending beyond the termination of the employment of Martell and DAMON. This review revealed a theft of between \$11,000 and \$13,000 worth of assorted Montana scratch lottery tickets during that time period.

Martell pled guilty to federal charges and has been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that DAMON will likely serve **all** of the time imposed by the court. In the federal system, DAMON does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorneys Craig W. Haller and Anna S. Peckham prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation, the Fort Peck Criminal Investigation Division, and the Wolf Point Police Department.

DYLANE THOMAS ELK BOY

DYLANE THOMAS ELK BOY, a 22-year-old resident of Poplar, was sentenced to a term of:

- Prison: 31 months
- Special Assessment: \$100
- Supervised Release: 2 years

ELK BOY was sentenced in connection with his guilty plea to assault resulting in serious bodily injury.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On or about July 5, 2005, ELK BOY was watching his two-month-old son at his residence in Poplar, which is located within the boundaries of the Fort Peck Indian Reservation.

ELK BOY became frustrated and angry when the infant started to cry and he could not get him to stop. ELK BOY grabbed the infant under the arms and shook him so hard that the infant's head flopped back and forth. ELK BOY had previously shook the infant in a similar manner on three prior occasions in June of 2005.

After ELK BOY shook his son, the infant stopped crying and appeared to be stunned. ELK BOY became concerned for the infant's health and called the infant's mother, who at the time, was ELK BOY'S girlfriend. ELK BOY and his girlfriend took the infant to the Poplar Hospital.

The doctor who examined the infant in the emergency room observed signs that the infant had experienced a seizure. The infant was crying at the time and his cry was high-pitched and resembled a post-seizure cry. The doctor decided to send the infant to Great Falls for medical treatment because the Poplar Hospital was not equipped to perform CT scans on infants and a CT scan was necessary to determine if the infant had any head injuries.

A doctor in Great Falls reviewed the images of the infant's CT scan and determined that the infant had a chronic subdural hematoma. The chronic nature of the injury indicated that it was present for three to four weeks. The doctor also noted that multiple retinal hemorrhages were observed in both of the infant's eyes.

The doctor would have testified that he concluded that the infant's injuries were consistent with shaken baby syndrome and that such injuries could have been caused if the infant's head had flopped back and forth while being shaken. The injuries caused blood to cover part of the surface of the infant's brain and he could have suffered a

seizure as a result. The doctor would have further testified that the infant's subdural hematoma was serious bodily injury.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that ELK BOY will likely serve **all** of the time imposed by the court. In the federal system, ELK BOY does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Anna S. Peckham prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

JANET ANDREA GRANDCHAMP

JANET ANDREA GRANDCHAMP, a 38-year-old resident of Frazer, was sentenced to a term of:

- Probation: 5 years
- Restitution: \$8,000 (\$150/month)
- Special Assessment: \$100

GRANDCHAMP was sentenced in connection with her guilty plea to theft from an Indian tribal organization.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

GRANDCHAMP was the site manager for the Nakoda Trails Stop Store ("NTSS") in Frazer, Montana, from 1997 to November 2002.

GRANDCHAMP began stealing approximately \$300.00 per month from the NTSS in about December 1999. Her modus operandi was to skim cash from daily deposits by shifting funds from recent sales into the deposits attributed to past days to cover for the cash she stole from the past days' deposits.

GRANDCHAMP decided that she had to report her behavior after she became aware that investigators were looking into the theft of money from the tribal convenience stores. She was concerned that the investigators would discover what she had done. This concern caused her to report her behavior to another individual, who was familiar with the records of the tribal convenience stores.

This individual subsequently performed a limited audit of the NTSS' records. The results of this audit revealed that \$11,269.71 was missing from the NTSS for the period of July 3, 2002, to September 17, 2002.

This individual and GRANDCHAMP then approached a Fort Peck Tribal Council member in November 2002 and informed him that GRANDCHAMP stole money from the NTSS.

On the same day, the Fort Peck Tribal Chairperson learned from GRANDCHAMP that she stole money from the NTSS. GRANDCHAMP also authored a letter to her husband in November 2002 within which she admitted that she knew that she stole at least \$8,000.00 from the store.

The deposit slips from the NTSS for the period of July 2002 through September 2002 confirm that no cash was deposited on 16 days between July 3, 2002, and September 8, 2002. Glaring irregularities were observed in the deposits for other days during that time period. GRANDCHAMP was the only employee of the NTSS who was responsible for depositing the store's funds.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that GRANDCHAMP will likely serve **all** of the time imposed by the court. In the federal system, GRANDCHAMP does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Craig W. Haller prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation, Fort Peck Criminal Investigation Division, and the Inspector General's Office of the United States Department of the Interior.

MARK WILLIAM HAMILTON

MARK WILLIAM HAMILTON, a 27-year-old resident of Wolf Point, was sentenced to a term of:

- Prison: 400 months
- Special Assessment: \$100
- Supervised Release: Lifetime

HAMILTON was sentenced after having been found guilty during a 1½ -day trial of aggravated sexual abuse.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that HAMILTON will likely serve **all** of the time imposed by the court. In the federal system, HAMILTON does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorneys Craig W. Haller and Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Fort Peck Criminal Investigation Division.

EDWARD “RICKY” HAWK

EDWARD “RICKY” HAWK, a 56-year-old resident of Poplar, was sentenced in two separate causes.

In DC 05-160-GF-SEH, HAWK was sentenced to a term of:

- Prison: 100 months
- Special Assessment: \$200
- Supervised Release: 3 years

HAWK was sentenced after having been found guilty on March 9, 2006, after a 2 -day trial of assault with a dangerous weapon and assault resulting in serious bodily injury.

In DC 05-161-GF-SEH, HAWK was sentenced to a term of:

- Prison: 37 months, consecutive to DC 05-160-GF-SEH
- Special Assessment: \$100
- Supervised Release: 3 years, concurrent with DC 05-160-GF-SEH

HAWK was sentenced after having been found guilty on March 15, 2006, after a 1½ -day trial of assault with a dangerous weapon.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that HAWK will likely serve **all** of the time imposed by the court. In the federal system, HAWK does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorneys Craig W. Haller and Lori Harper Suek prosecuted the case for the United States.

The investigations were a cooperative effort between the Federal Bureau of Investigation, the Fort Peck Criminal Investigation Division, the Roosevelt County Sheriff’s Office, and the Poplar Police Department.

GERALD LITTLEHEAD

GERALD LITTLEHEAD, a 24-year-old resident of Wolf Point, was sentenced to a term of:

- Prison: 120 months
- Special Assessment: \$100
- Restitution: (hearing to be set within 90 days to determine amount)
- Supervised Release: 3 years

LITTLEHEAD was sentenced after having been found guilty during a 2-day trial of voluntary manslaughter.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that LITTLEHEAD will likely serve **all** of the time imposed by the court. In the federal system, LITTLEHEAD does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

ANDREW PRESTON MARTELL

ANDREW PRESTON MARTELL, a 19-year-old resident of Wolf Point, was sentenced to a term of:

- Prison: Aggravated Sexual Abuse - 12 years, 4 months
Burglary - 1 year, 9 months
Sentences to run consecutively.
- Special Assessment: \$100
- Supervised Release: 7 years
- Restitution: \$380

MARTELL was sentenced in connection with his guilty plea to two separate unrelated charges of burglary and aggravated sexual abuse.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on October 5, 2004, a residence in Wolf Point, which is within the boundaries of the Fort Peck Indian Reservation, was forfeited to the Big Muddy River Drug Task Force by the State of Montana. Following the forfeiture of the residence, the drug task force directed one of its members from the Wolf Point Police Department to reside at the residence for security and maintenance reasons. The police officer brought some of his personal belongings, including a DVD player, with him to the residence. Numerous items of the owner’s personal property also remained at the residence.

Shortly after the police officer moved into the residence, his brother was involved in an

accident near Great Falls. As a result, the officer left the residence for a few days to be with his brother. When the officer returned to the residence on October 14, 2004, he noticed that the residence had been entered and items had been disturbed and removed. Specifically, the officer's DVD player and a saxophone, a violin, and a surround sound system were taken from the residence.

On October 15, 2004, the law enforcement officers who were investigating the burglary learned that MARTELL and another person may have been the persons who entered the residence. On November 4, 2004, a Fort Peck Tribes Criminal Investigator had a conversation with MARTELL about the burglary. During this conversation MARTELL admitted that sometime during October 2004, the other person involved suggested they burglarize the residence to take things from the residence before the government did and MARTELL agreed to participate in the burglary. He and the other person walked to the residence and the other person crawled through a window and opened a door for MARTELL; he and the other person placed a surround system and a DVD player in two bags and took them from the residence. They took the stolen items to MARTELL'S residence and the other person returned to the residence and brought a violin, a saxophone, and a Playstation with games to MARTELL'S residence and stored them there along with the surround sound system and the DVD player. Two days later, he and the other person moved all of the stolen items into MARTELL'S bedroom. About two days after moving the items into his bedroom, MARTELL threw the stolen items in the garbage after the other person told him that the police were at his residence looking for the stolen items, and they were coming to MARTELL'S residence next. MARTELL also admitted he did not have permission to enter the residence or take anything from it.

MARTELL gave consent for officers to search his residence. Just after giving consent, MARTELL stated that the violin and the saxophone were in the crawl space of his residence.

In a separate indictment MARTELL was charged with aggravated sexual abuse.

On or about October 9, 2004, in Wolf Point, MARTELL physically assaulted another person and forced the person to engage in a sexual act.

Damon pled guilty to federal charges and has been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that MARTELL will likely serve **all** of the time imposed by the court. In the federal system, MARTELL does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Craig Haller prosecuted this case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation,

the Fort Peck Tribe Criminal Investigation Division and the Wolf Point Police Department. The aggravated sexual abuse investigation was a cooperative effort between the Federal Bureau of Investigation, the Fort Peck Tribe Criminal Investigation Division and the Roosevelt County Sheriff's Office.

HEATHER MARTELL

HEATHER MARTELL, a 22-year-old resident of Wolf Point, was sentenced in connection with her guilty plea to theft to a term of:

- Probation: 3 years
- Restitution: \$10,000
- Special Assessment: \$100

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

From the summer of 2004 until January 2005, MARTELL and Kathryn Damon worked at the Git-N-Go convenience store in Wolf Point, which is within the boundaries of the Fort Peck Indian Reservation.

During that time period, MARTELL and Damon stole money and lottery tickets from the store and used the stolen proceeds to purchase methamphetamine and to gamble. MARTELL and Damon helped each other purchase methamphetamine, shared the methamphetamine they purchased, and used the methamphetamine together at the store.

On January 11, 2005, the proprietor of the Git-N-Go store realized there were significant cash shortages and cash advances relating to MARTELL and the shifts that she worked at the store. In addition, just prior to January 11, 2005, he had received a bonus from the Montana Lottery based upon a large increase in the store's distribution of lottery tickets. However, he was not aware that the store had increased its lottery ticket sales.

The manager confronted MARTELL with his suspicions. MARTELL immediately became upset and stated that she would pay the money back. The manager then fired MARTELL. A few days later, MARTELL called the manager and told him that she was not the only person stealing money from the store.

The manager reviewed the store's surveillance video and determined that Damon, as well as MARTELL, had acted in a suspicious manner inside the store.

On February 1, 2005, Damon was interviewed by law enforcement personnel and admitted to sharing methamphetamine with MARTELL at the store. Damon stated that she and MARTELL took turns purchasing the methamphetamine. Damon admitted that

she stole money from the store's till and attempted to cover up the thefts by ringing up "no sales" on the cash register.

Following the manager's discovery of the theft of lottery tickets from the Git-N-Go convenience store, he contacted the Montana Lottery Commission. The lottery commission then reviewed its records of the lottery activity at the store beginning in March 2004, and extending beyond the termination of the employment of MARTELL and Damon. This review revealed a theft of between \$11,000 and \$13,000 worth of assorted Montana scratch lottery tickets during that time period.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that MARTELL will likely serve **all** of the time imposed by the court. In the federal system, MARTELL does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorneys Craig W. Haller and Anna S. Peckham prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation, the Fort Peck Criminal Investigation Division, and the Wolf Point Police Department.

JOHN MICHAEL MERRILL

JOHN MICHAEL MERRILL, a 23-year-old resident of Box Elder, was sentenced to a term of:

- Prison: 63 months, consecutive to another sentence
- Special Assessment: \$100
- Supervised Release: 3 years

MERRILL was sentenced in connection with his guilty plea to being a felon-in-possession of ammunition.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On November 14, 2000, MERRILL was convicted in Custer County for felony escape and felony assault on a peace officer.

On December 20, 2004, at approximately 1:00 a.m., officers with the Havre Police Department went to a trailer court to investigate suspicious activity.

Upon arriving at that location, two individuals were observed running into the Havre Water Treatment Plant area. The area was surrounded by a fence with "no trespassing" signs attached to it.

One of the officers entered the area and observed two male individuals. The officer detained both males for trespassing, one of whom was MERRILL.

Four shotgun shells were recovered from MERRILL'S right coat pocket. The shotgun shells were PMC 12-gauge shotgun ammunition.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that MERRILL will likely serve **all** of the time imposed by the court. In the federal system, MERRILL does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Havre Police Department, the Hill County Sheriff's Office, and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

This conviction is yet another important outcome from Project Safe Neighborhoods, a national priority of the United States Department of Justice. PSN is designed as a partnership between federal and local law enforcement to reduce violent crime and gun-related crime through the vigorous enforcement of the criminal provisions of the federal firearms laws. In Montana, the effort under PSN is called "*Catch and No Release.*"

ARCHIE RED BOY

ARCHIE RED BOY, a 39-year-old resident of Poplar, was sentenced to a term of:

- Prison: 7 years and 3 months
- Special Assessment: \$100
- Supervised Release: Life

On September 29, 2005, in Great Falls, after a 3-day federal district court trial before U.S. District Judge Sam E. Haddon, RED BOY was found guilty of sexual abuse.

On or about April 1, 2004, in Poplar, which is within the boundaries of the Fort Peck Indian Reservation, RED BOY engaged in a sexual act with a person that was physically incapable of declining participation in the act.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that RED BOY will likely serve **all** of the time imposed by the court. In the federal system, RED BOY does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Craig Haller prosecuted this case for the United States.

The investigation was a cooperative effort between the Fort Peck Criminal Investigation Unit and the Federal Bureau of Investigation.

LARRY WILLIAM RED STAR

LARRY WILLIAM RED STAR, a 24-year-old resident of Poplar, was sentenced to a term of:

- Prison: 150 months
- Special Assessment: \$100
- Restitution: \$36
- Supervised Release: life

RED STAR was sentenced after having been found guilty during a 1½ -day trial of aggravated sexual abuse.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that RED STAR will likely serve **all** of the time imposed by the court. In the federal system, RED STAR does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation, the Fort Peck Criminal Investigation Division, and the Wolf Point Police Department.

ELEANOR MARIE STUMP

ELEANOR MARIE STUMP, a 23-year-old resident of Poplar, was sentenced to a term of:

- Prison: 6 months
- Special Assessment: \$100
- Supervised Release: 3 years

STUMP was sentenced after having been found guilty during a 1 day trial of making false statements to a federal officer.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that STUMP will likely serve **all** of the time imposed by the court. In the federal system, STUMP does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Craig W. Haller prosecuted the case for the United States.

The investigation was a cooperative effort between the Fort Peck Criminal Investigation Unit and the Federal Bureau of Investigation.

JACOB ALLEN WHITE

JACOB ALLEN WHITE, a 23-year-old resident of Wolf Point, was sentenced to a term of:

- Prison: 28 months
- Special Assessment: \$200
- Restitution: \$6,810.00
- Supervised Release: 3 years

WHITE was sentenced in connection with his guilty plea to two counts of burglary and possession of a stolen firearm.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that between November 26, 2004, and December 5, 2004, WHITE burglarized a house and detached garage near Oswego, which is within the boundaries of the Fort Peck Indian Reservation.

WHITE forced open the door to the house and stole numerous items, including electronic equipment, household appliances, furniture, food and star quilts.

WHITE also forcibly entered the garage and stole numerous items, including tools, an air compressor, batteries, battery chargers and a grinder. Also stolen from the garage was a Marlin, Model 881, .22LR caliber, bolt-action, tube-fed rifle.

WHITE pawned some of the stolen items at a pawn shop in Wolf Point. On December 14, 2004, the victim of the burglary located some of the stolen items at the pawn shop and bought them.

Later on December 14, 2004, WHITE'S mother contacted the victim and asked her what was stolen during the burglaries. WHITE'S mother then returned some of the stolen items to the victim. Among the items returned at that time was the stolen rifle.

On February 1, 2005, WHITE was interviewed about the burglaries by a Fort Peck Tribes criminal investigator. During the interview, WHITE admitted that on the day after Thanksgiving 2004, he drove to the victim's residence and stole numerous items from the house and the garage, including the rifle, and that he pawned some of the items that he stole.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that WHITE will likely serve **all** of the time imposed by the court. In the federal system, WHITE does have the opportunity to earn a sentence reduction for

“good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Craig W. Haller prosecuted the case for the United States.

The investigation was conducted by the Fort Peck Criminal Investigation Division.

JAMES DEAN YOUNGMAN

JAMES DEAN YOUNGMAN, a 49-year-old resident of Poplar, was sentenced to a term of:

- Prison: 87 months
- Special Assessment: \$100
- Supervised Release: 3 years

YOUNGMAN was sentenced in connection with his guilty plea to sexual abuse.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

During the early morning of September 9, 2004, in Poplar, within the boundaries of the Fort Peck Indian Reservation, a twenty-two year old female was sleeping on a couch at a relative’s residence. Prior to going to sleep on the couch, the female consumed alcohol to the point of intoxication. YOUNGMAN, an enrolled member of the Fort Peck Tribes, was present at the residence while the female was sleeping on the couch.

At about 4:00 a.m., the female woke up while YOUNGMAN was attempting to engage in a sexual act with her. She yelled at YOUNGMAN to get off of her. An individual who was also in the residence at that time heard her yelling at YOUNGMAN and came into the room.

He observed the female sitting up on the couch and pulling up her pants that were around her ankles. She told the him that YOUNGMAN had done this to her. The female then called the police. Shortly thereafter, the police arrived and arrested YOUNGMAN at the residence.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that YOUNGMAN will likely serve **all** of the time imposed by the court. In the federal system, YOUNGMAN does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation

and the Fort Peck Criminal Investigation Division.

PIERRE DALE YOUPEE

PIERRE DALE YOUPEE, a 20-year-old resident of Poplar, was sentenced to a term of:

- Prison: 37 months
- Special Assessment: \$100
- Supervised Release: 5 years

YOUPEE was sentenced in connection with his guilty plea to abusive sexual contact.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On January 26, 2005, a 7-year-old girl was interviewed by a social worker in Poplar. The interview was prompted by the girl's recent absence from school and the observable remnants of a bruise on her face. During the interview, the young girl disclosed that she had been touched on a private area by YOUPEE.

Shortly after the young girl's interview, YOUPEE was questioned by a Fort Peck Tribes Criminal Investigator. YOUPEE denied, on two occasions, having touched the young girl on a private area of her body.

On August 2, 2005, YOUPEE submitted to a polygraph examination. After the polygraph examination, YOUPEE admitted that he had sexual contact with the young girl. YOUPEE stated that the incident occurred at his mother's house.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that YOUPEE will likely serve **all** of the time imposed by the court. In the federal system, YOUPEE does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Anna S. Peckham prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Fort Peck Criminal Investigation Division.

INDIAN COUNTRY - NORTHERN CHEYENNE RESERVATION

GERALD HILL

GERALD HILL, a 60-year-old resident of Lame Deer, was sentenced to a term of:

- Prison: 135 months

- Special Assessment: \$100
- Restitution: \$3,400
- Supervised Release: 5 years

HILL was sentenced after having been found guilty during a 2-day trial of aggravated sexual abuse.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that HILL will likely serve **all** of the time imposed by the court. In the federal system, HILL does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted this case for the United States.

The investigation was conducted by the Bureau of Indian Affairs.

ANTHONY J. LIMPY

ANTHONY J. LIMPY, a 19-year-old resident of Lame Deer, was sentenced to a term of:

- Prison: 5 years and 3 months
- Special Assessment: \$100
- Supervised Release: 5 years
- Restitution to be determined

LIMPY was sentenced in connection with his guilty plea to assault with a weapon.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on September 17, 2004, LIMPY was drinking with others at the Sierra residence in Eastside Housing, located on the Northern Cheyenne Indian Reservation. The victim was also present at the residence. LIMPY and the victim argued over LIMPY taking the victim’s glasses and LIMPY stabbed the victim once in the neck and 8 times in the back with a knife. The victim was bleeding and went home. The next morning he called his parents and they took him to the emergency room in Lame Deer.

When arrested, LIMPY claimed that he did not remember the events of the evening but the bloody knife was found on his person and his clothing was bloody. Agents retrieved the bloody sheet, curtain and blanket from the Sierra residence that had been used to clean up the blood.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that LIMPY will likely serve **all** of the time imposed by the court. In the federal system, LIMPY does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia Hurd prosecuted this case for the United States.

The investigation was conducted by the Bureau of Indian Affairs.

SHANNON LEE LITTLEBIRD

SHANNON LEE LITTLEBIRD, a resident of Lame Deer, was sentenced to a term of:

- Prison: 212 months
- Special Assessment: \$100
- Supervised Release: 5 years

LITTLEBIRD was sentenced after having been found guilty during a 2-day trial of attempted aggravated sexual abuse.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that LITTLEBIRD will likely serve **all** of the time imposed by the court. In the federal system, LITTLEBIRD does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia Hurd prosecuted the case for the United States.

The investigation was conducted by the Bureau of Indian Affairs.

THERESA LITTLEBIRD

THERESA LITTLEBIRD, a 54-year-old resident of Lame Deer, was sentenced to a term of:

- Prison: 37 months
- Special Assessment: \$600
- Supervised Release: 6 years

LITTLEBIRD was sentenced in connection with her guilty plea to distribution of methamphetamine in public housing.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

During January and February of 2006, the Bureau of Indian Affairs conducted an investigation of LITTLEBIRD after receiving information that LITTLEBIRD had distributed methamphetamine from her residence, which is a residence on the Northern Cheyenne Indian Reservation owned by the Northern Cheyenne Housing Authority.

On six occasions during January and February of 2006, a Bureau of Indian Affairs confidential source, at the direction and under the supervision of law enforcement, purchased methamphetamine from LITTLEBIRD at her residence. The last purchase took place on February 22, 2006.

Money for the purchases was provided by the Bureau of Indian Affairs. These purchases were monitored by law enforcement both visually and with audio equipment. Approximately 30 grams of methamphetamine was purchased from LITTLEBIRD.

On February 23, 2006, a search warrant was served at LITTLEBIRD'S residence. Items seized included money, methamphetamine, marijuana and drug paraphernalia. Also recovered was money that had been provided for the purchase of methamphetamine on February 22, 2006.

The methamphetamine that was purchased from LITTLEBIRD and the methamphetamine and marijuana seized from LITTLEBIRD on February 23, 2006, was tested by the Drug Enforcement Administration laboratory in San Francisco. The lab results confirmed that the substances were methamphetamine and marijuana.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that LITTLEBIRD will likely serve **all** of the time imposed by the court. In the federal system, LITTLEBIRD does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was conducted by the Bureau of Indian Affairs.

NEIL LEN TEETH

NEIL LEN TEETH a 29-year-old resident of Busby, was sentenced to a term of:

- Prison: 120 months
- Special Assessment: \$100
- Supervised Release: 3 years

TEETH was sentenced after having been found guilty of assault resulting in serious bodily injury during a three-day trial in October 2005.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that TEETH will likely serve **all** of the time imposed by the court. In the federal system, TEETH does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted this case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Bureau of Indian Affairs.

JAMES BARRETT WELCH, JR.

JAMES BARRETT WELCH, JR., a resident of Lame Deer, was sentenced to a term of:

- Prison: 33 months
- Special Assessment: \$100
- Supervised Release: 3 years

WELCH was sentenced in connection with his guilty plea to assault resulting in serious bodily injury.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On April 15, 2005, WELCH stabbed his stepfather four times with a knife at the family residence in the Air Force Housing Area at Lame Deer.

WELCH went home after he had been drinking and proceeded to get into a verbal altercation with his stepfather. His stepfather told WELCH that he was going to call the police. WELCH and his stepfather then got into a physical confrontation which ended when WELCH pulled out a steak knife and stabbed his stepfather twice in the left upper back, once in the left triceps, and once in the left chest.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that WELCH will likely serve **all** of the time imposed by the court. In the federal system, WELCH does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Bureau of Indian Affairs.

INDIAN COUNTRY - ROCKY BOY’S RESERVATION

DALLAS ROYCE LAWRENCE

DALLAS ROYCE LAWRENCE was sentenced to a term of:

- Prison: 63 months, concurrent with another sentence

- Special Assessment: \$200
- Supervised Release: 3 years

LAWRENCE was sentenced after having been found guilty during a 2 day trial of assault resulting in serious bodily injury and assault with a dangerous weapon.

On February 18, 2005, during an argument over a vehicle, LAWRENCE stabbed the victim in the left upper chest. The injury resulted in a collapsed lung which required surgery to repair.

The stabbing occurred outside of LAWRENCE'S residence within the boundaries of the Rocky Boy's Indian Reservation.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that LAWRENCE will likely serve **all** of the time imposed by the court. In the federal system, LAWRENCE does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted this case for the United States.

ERNESTO RAMOS

ERNESTO RAMOS, a 41-year-old resident of California, was sentenced to a term of:

- Prison: 260 months
- Special Assessment: \$100
- Supervised Release: 5 years

RAMOS was sentenced after having been found guilty during a 2-day trial of conspiracy to distribute methamphetamine.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that RAMOS will likely serve **all** of the time imposed by the court. In the federal system, RAMOS does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was conducted by the Tri-Agency Drug Task Force.

REUBEN LOREN STUMP

REUBEN LOREN STUMP, a 31-year-old resident of Box Elder, was sentenced to a term of:

- Prison: 10 months
- Special Assessment: \$100
- Supervised Release: 1 year

STUMP was sentenced in connection with his guilty plea to attempting to obtain a controlled substance by forgery.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On November 2, 2005, STUMP was given a prescription for four drugs by a local physician. STUMP then asked his grandmother to drop off the prescription at the Rocky Boy's Tribal Clinic Pharmacy for him.

A pharmacy aide at the Tribal Clinic filled the first four medications listed on the prescription but noticed that the fifth medication did not look normal. The aide then notified the chief pharmacist of his observations and concerns regarding the fifth medication.

Later in the day, STUMP went to the pharmacy to pick up his medications and asked why the fifth medication had not been filled. The pharmacy aide advised STUMP to contact the physician that had written the prescription.

The physician would have testified that the fifth medication listed on the prescription had been forged.

When questioned, STUMP admitted to an FBI agent that he had forged the prescription note in an effort to obtain hydrcodone.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that STUMP will likely serve **all** of the time imposed by the court. In the federal system, STUMP does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Anna S. Peckham prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

LANA MARIE TURNER

LANA MARIE TURNER, a 40-year-old resident of Box Elder, was sentenced to a term of:

- Prison: 6 months
- Special Assessment: \$200

- Supervised Release: 3 years

TURNER was sentenced in connection with her guilty plea to distribution of methamphetamine.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on October 28, 2004, law enforcement agents met to arrange a purchase of narcotics from TURNER and her co-defendant at their residence using an undercover law enforcement agent and an informant. The residence is located on the Rocky Boy's Indian Reservation. The informant introduced the undercover agent to TURNER and her co-defendant and TURNER informed them that she did not have any methamphetamine available at that time, but would travel to Havre to purchase some and would meet the informant and undercover agent at a bar later that evening.

Around 10:00 p.m., the undercover agent and informant met TURNER and her co-defendant in a parking lot near the bar. They provided TURNER and the co-defendant with \$365 to purchase the methamphetamine. TURNER and the co-defendant left the parking lot; traveled to a residence in Havre; and returned to the parking lot and gave the informant a plastic bag with a white crystal substance in the corner of the bag. TURNER and her co-defendant then left the area. The drug tested positive for methamphetamine.

On November 19, 2004, the undercover agent and informant again went to the residence of TURNER and her co-defendant to purchase methamphetamine. At approximately 11:25 a.m., the agent and informant arrived at the residence on the Rocky Boy's Indian Reservation. At that time, the agent asked TURNER how much she wanted for one gram of methamphetamine and she advised she wanted \$100. The agent gave TURNER the money and TURNER provided the agent with two paper bindles that later tested positive for methamphetamine.

The methamphetamine purchased from TURNER and her co-defendant on both occasions was tested and weighed a total of approximately four grams.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that TURNER will likely serve **all** of the time imposed by the court. In the federal system, TURNER does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was conducted by the Tri-Agency Drug Task Force.

BILL WATSON

BILL WATSON, a 19-year-old resident of Box Elder, was sentenced to a term of:

- Prison: 178 months
- Special Assessment: \$100
- Supervised Release: 5 years

WATSON was sentenced after having been found guilty during a 1½-day trial of attempted sexual abuse.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that WATSON will likely serve **all** of the time imposed by the court. In the federal system, WATSON does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Anna S. Peckham prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

MISCELLANEOUS

GERALD DUANE ANDERS

GERALD DUANE ANDERS, a 54-year old resident of Helena, was sentenced in connection with his guilty plea to four counts of failure to file federal income tax returns.

ANDERS was sentenced to a term of:

- Prison: 12 months
- Special Assessment: \$100
- Community Service: 100 hours
- Supervised Release: 1 year
- Special condition: File all tax returns and enter into payment plan and comply with plan during the term of supervised release.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that from January 1, 1999, through December 31, 2002, ANDERS and Jacquelyn Doan-Anders were the only partners in the partnership, Lifetime Wellness Program. Lifetime Wellness Program was a distributor for Nikken, Inc.

Lifetime Wellness Program received income from commissions on its sales and commissions on sales by other distributors of Nikken, Inc. In calendar years 1999 through 2002, Lifetime Wellness Program received income of \$340,283, \$274,806, \$236,800, and \$232,854, respectively. One half of the income each year was gross income to ANDERS and the other half was gross income to Doan-Anders.

Records from the Internal Revenue Service would show that ANDERS and Doan-Anders failed to file tax returns for 2000, 2001, 2002, and 2003.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that ANDERS will likely serve **all** of the time imposed by the court. In the federal system, ANDERS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Kurt G. Alme prosecuted the case for the United States.

The investigation was conducted by the Internal Revenue Service.

DELNO W. ANDERSON

DELNO W. ANDERSON, a 71-year-old resident of Helena, was sentenced to a term of:

- Special Assessment: \$100
- Special Condition: ordered to in-patient treatment
- Supervised Release: 5 years

ANDERSON was sentenced in connection with his guilty plea to driving under the influence of alcohol and operation of a noncommercial vehicle by a person with alcohol concentration in excess of 0.08.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on September 14, 2004, ANDERSON arrived at the Fort Harrison Veterans Hospital in a motor vehicle. Law enforcement officers from Fort Harrison observed his car swerve, they approached ANDERSON and asked him to perform field sobriety maneuvers. ANDERSON refused and was admitted to the hospital. ANDERSON’S blood alcohol level was in excess of .10.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that ANDERSON will likely serve **all** of the time imposed by the court. In the federal system, ANDERSON does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was conducted by the Veterans Administration Police.

RYAN ARMENTROUT

RYAN ARMENTROUT, a 31-year-old resident of Phoenix, Arizona, was sentenced to a term of:

- Probation: 1 year
- Special Assessment: \$100
- Restitution: \$1,500

ARMENTROUT was sentenced in connection with his guilty plea to trafficking in counterfeit goods.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 8, 2004, ARMENTROUT was stopped for a secondary inspection at the Raymond Port of Entry as part of an outbound enforcement operation. As part of this operation, vehicles leaving the United States en route to Canada were inspected.

During the inspection, a box was found in ARMENTROUT'S vehicle which contained 358 pairs of sunglasses bearing the Oakley name and logo.

When questioned about the sunglasses, ARMENTROUT stated that he had traded an individual in Texas for them who had told him the glasses were okay, "as long as you do not tell the person they are fake."

Testimony would have been provided by representatives of Oakley, Inc. that the sunglasses seized from ARMENTROUT were counterfeit.

Further testimony would have been given establishing that ARMENTROUT had previously been found in possession of six hundred pairs of counterfeit Oakley sunglasses and that those sunglasses had been seized from ARMENTROUT on May 25, 2002, in Riverton, Wyoming. Testimony would have further established that ARMENTROUT had been served with a cease and desist order at that time requiring him to refrain from selling products bearing the Oakley trademarks.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that ARMENTROUT will likely serve **all** of the time imposed by the court. In the federal system, ARMENTROUT does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Michael S. Lahr prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

DANIEL C. BOECHLER

DANIEL C. BOECHLER, a 57-year-old resident of Billings, was sentenced to a term of:

- Probation: 1 year
- Special Assessment: \$50
- Restitution: \$2,500

BOECHLER was sentenced in connection with his guilty plea to possession of stolen government identification and possession of stolen government records.

On or about September 12, 2003, in Billings and other places, BOECHLER possessed the Identification Card/Building Access Card for Bureau of Land Management ("BLM") Employees and the Billings Logan International Airport Identification Card/Access Card of his supervisors, which had been stolen on or about July 18, 2003, from the shower room of the BLM fire center where BOECHLER worked.

On or about the September 12, 2003, in Billings and other places, BOECHLER received and retained stolen government records of the United States, that is, Notifications of Personnel Action Standard Form 50-B for various Bureau of Land Management ("BLM") employees, Travel Vouchers Standard Form 1012, and other records for another BLM employee and a training record for another employee, with the intent to convert the property for his own use.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BOECHLER will likely serve **all** of the time imposed by the court. In the federal system, BOECHLER does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Kurt Alme prosecuted this case for the United States.

The investigation was conducted by the Bureau of Land Management Law Enforcement.

NATALIE LIZETTE BOZARTH

NATALIE LIZETTE BOZARTH, a 21-year-old resident of Billings, was sentenced to a term of:

- Probation: 2 years
- Special Assessment: \$300
- Fine: \$250
- Restitution: (already paid)

BOZARTH was sentenced in connection with her guilty plea to three counts of theft or receipt of stolen mail.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On December 11, 2005, a Billings police officer was dispatched to the Heights Wal-Mart for a theft complaint. The officer arrested NATALIE BOZARTH for breaking into vehicles and stealing property.

While being searched at Yellowstone County Detention Facility, a detention officer was patting down BOZARTH for weapons or contraband. BOZARTH was found to have a rectangular item tucked under her bra. This item contained five checks from three different victims. BOZARTH told the officer that her friends had stolen the checks from mail boxes and that she knowingly took possession of the checks and concealed them on her person. BOZARTH refused to give the name of her friends who had taken the checks.

Three victims whose checks were concealed on BOZARTH would have testified that the checks had been written and placed in their mail boxes to be delivered to third parties to pay bills. All three victims would have testified that there is no lawful reason for BOZARTH to have checks by the victims in her possession.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that BOZARTH will likely serve **all** of the time imposed by the court. In the federal system, BOZARTH does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Victoria L. Francis prosecuted the case for the United States.

The investigation was conducted by a cooperative effort between the United States Postal Service and the Billings Police Department.

BOEMONT JAMES BRIDE

BOEMONT JAMES BRIDE, a 24-year-old resident of Great Falls, was sentenced in connection with his guilty plea to making counterfeit \$20 Federal Reserve Notes to a term of:

- Prison: 36 months, consecutive to another sentence
- Special Assessment: \$100
- Restitution: \$420
- Supervised Release: 3 years

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In August of 2005, Great Falls Police Department (GFPD) detectives were investigating a series of burglaries. Their investigation brought them in contact with a man recently released from “boot camp” and residing at the Great Falls Pre-Release Center. This cooperating witness told the detectives that other persons with whom he was

associated were passing counterfeit \$20 Federal Reserve Notes (FRN) at the Montana State Fair.

Between September 2 and September 7, 2005, arrangements were made for the cooperating witness to contact BRIDE and advise him that the cooperating witness had a buyer for \$200 worth of counterfeit currency.

On September 7, 2005, an ICE agent, posing as a buyer for the counterfeit currency, met with BRIDE outside a local business. They engaged in a recorded conversation at the conclusion of which BRIDE gave the agent a sheet of 11 uncut \$20 FRNs, all with the same serial number.

Upon transfer of the counterfeit currency, BRIDE was arrested.

BRIDE later admitted to manufacturing the \$20 FRNs on his home computer. He indicated that he had purchased the necessary accessory equipment (scanner and printer) in July, and that he had purchased the paper a few days later. BRIDE confessed to printing about \$350 worth of counterfeit currency and with co-defendant Matthew Helms, passed the bogus bills at fast food vendors at the fair. BRIDE also admitted to passing counterfeit currency after the fair at local gas stations and fast food restaurants.

Helms was interviewed and admitted to passing counterfeit currency with BRIDE.

A search of BRIDE'S apartment revealed the computer, scanner, and printer that BRIDE had described. The officers also discovered additional uncut counterfeit currency in the trash and in the refrigerator. Between the sting and the search, agents found approximately \$500 worth of counterfeit currency.

Twenty counterfeit notes were passed at, and retrieved from, various businesses in Great Falls.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that BRIDE will likely serve **all** of the time imposed by the court. In the federal system, BRIDE does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the United States Secret Service and the Bureau of Immigration and Customs Enforcement.

JAMES RAYMOND COX

JAMES RAYMOND COX, a 38-year-old resident of Calgary, Alberta, Canada, was

sentenced to a term of:

- Probation: 1 year
- Special Assessment: \$100
- Forfeiture: all property seized, more than \$12,000 in goods

COX was sentenced in connection with his guilty plea to false statements.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on January 15, 2005, COX entered the United States at the Port of Piegan. COX failed to declare to Customs and Border Protection (CBP) agents that he imported ammunition and/or firearm parts from Canada. COX also failed to declare to Canada Border Services Agency that he exported ammunition and/or firearm parts to Canada on January 17, 2005.

On January 24, 2005, COX admitted to the Port of Piegan Port Director over the telephone that he made false representations to CBP officials regarding the importation and exportation of ammunition and/or firearms parts. A \$5,000 administrative penalty was imposed regarding the January 15, 2005 imported items seized on January 17, 2005, in St. Mary, Montana.

COX is a Canadian citizen who owned a shooting range in Calgary, Alberta, Canada and lived and worked in Calgary. He sold firearm parts and ammunition for "The Shooting Edge," which was his business in Calgary to the St. Mary's Lodge and Resort in St. Mary.

On February 9, 2005, COX reported as directed to the Port of Piegan for outbound inspection and represented in writing he had not acquired commercial items and ammunition in the United States to export to Canada when, in fact, COX had acquired approximately 7,000 rounds of ammunition by shipment to the St. Mary's Lodge and Resort store and attempted to export it to the United States through the use of two other individuals.

COX was confronted by the Port of Piegan Director, who had previously instructed and warned him on proper importation and exportation of ammunition, regarding his misrepresentation on February 9, 2005. COX admitted that he had again failed to follow the law. Most of the ammunition COX sought to export required a special export permit from the United States, which COX neither possessed nor had tried to possess.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that COX will likely serve **all** of the time imposed by the court. In the federal system, COX does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth Horsman prosecuted the case for the United States.

The investigation was a cooperative effort between the U.S. Bureau of Customs and Border Protection and the U.S. Bureau of Immigration and Customs Enforcement.

PAUL EDWARD CRAWFORD

PAUL EDWARD CRAWFORD, a 39-year-old resident of Butte, was sentenced to a term of:

- Prison: 12 months
- Restitution: \$133.73
- Supervised Release: 3 years

CRAWFORD was sentenced in connection with his guilty plea to theft of government property.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Early on November 5, 2005, an agent with the Forest Service was notified that someone had cut the fence and entered the Butte Ranger District fleet compound in Butte.

The agent was also informed that an all-terrain-vehicle (ATV), owned by the United States Forest Service, had been moved to a location close to where the fence had been cut. The ATV was a 2001 Honda, for which the Forest Service paid in excess of \$1,000. Based on the location of the ATV, law enforcement suspected that the individuals who had cut the fence and moved the ATV intended to return at a future date to complete the theft of the ATV.

Officers installed additional surveillance equipment where the fence had been cut and an agent conducted physical surveillance during the early morning hours of November 6, 2005. During this surveillance, the agent observed two subjects attempting to pull the ATV through the hole cut in the fence. The agent further observed the subjects reentering the compound and running south.

With the assistance of local county deputies, the agent was able to track the subjects' path, which was marked in fresh snow, to a field adjacent to the Butte Ranger District fleet compound

While following the subjects' tracks in the snow, the agent observed two individuals, CRAWFORD and Keith Allen Larson, lying face down in the field. They were subsequently taken into custody.

Larson pled guilty to and was sentenced on federal charges.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that CRAWFORD will likely serve **all** of the time imposed by the court. In the federal system, CRAWFORD does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the Forest Service, United States Department of Agriculture.

JACQUELYN ANN DOAN-ANDERS

JACQUELYN ANN DOAN-ANDERS, a 60-year old resident of Helena, was sentenced in connection with her guilty plea to four counts of failure to file federal income tax returns.

DOAN-ANDERS was sentenced to a term of:

- House Arrest: 6 months, 8:00 p.m. to 7:00 a.m.
- Probation: 5 years
- Special condition: File all tax returns and enter into payment plan and comply with plan during the term of probation.
- Community Service: 250 hours
- Special Assessment: \$100

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that from January 1, 1999, through December 31, 2002, Gary Anders and DOAN-ANDERS were the only partners in the partnership, Lifetime Wellness Program. Lifetime Wellness Program was a distributor for Nikken, Inc. Lifetime Wellness Program received income from commissions on its sales and commissions on sales by other distributors of Nikken, Inc. In calendar years 1999 through 2002, Lifetime Wellness Program received income of \$340,283, \$274,806, \$236,800, and \$232,854, respectively. One half of the income each year was gross income to Anders and the other half was gross income to DOAN-ANDERS.

Records from the Internal Revenue Service would show that Anders and DOAN-ANDERS failed to file tax returns for 2000, 2001, 2002, and 2003.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that DOAN-ANDERS will likely serve **all** of the time imposed by the court. In the federal system, DOAN-ANDERS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Kurt G. Alme prosecuted the case for the United States.

The investigation was conducted by the Internal Revenue Service.

ROMAN TRAVIS GLENN, SR.

ROMAN TRAVIS GLENN, SR., a 35-year-old resident of Alabama, was sentenced to a term of:

- Prison: 6 months
- Special Assessment: \$100
- Supervised Release: 1 year

GLENN was sentenced in connection with his guilty plea to failure to pay child support.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

GLENN and his spouse were divorced in September of 1995 in Montana.

The couple had one minor child born in 1991. GLENN was ordered to pay \$304 per month in child support and 50% of the medical and dental expenses not covered by insurance pursuant to an order of the Montana First Judicial District Court. GLENN participated in the court action and had knowledge of the amount of support that he was required to pay.

While his spouse and the minor child resided in Montana, GLENN relocated to Alabama in 1996 and later moved between the states of Alabama and Florida on various occasions.

During the period from 1996 through 2005, GLENN was gainfully employed and had the ability to pay his child support. The Child Support Enforcement Division attempted collection by numerous methods, but was unable to address the child support arrearage. Actions were taken to enforce the support order in both Alabama and Florida at which time GLENN would move to another state.

As of September 1, 2005, GLENN was past due on his child support in the amount of \$14,489.19, with additional amounts accruing monthly.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that GLENN will likely serve **all** of the time imposed by the court. In the federal system, GLENN does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the Inspector General's Office for the United States Department of Health and Human Services.

ROGER DALE HALL

ROGER DALE HALL, a 60-year-old resident of Frenchtown, was sentenced to a term of:

- Probation: 5 years, with 3 months home arrest
- Special Assessment: \$100
- Restitution: \$60,000

HALL was sentenced in connection with his guilty plea to bribery.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

The Missoula International Airport is managed, maintained, operated, and controlled by the Missoula County Airport Authority (MCAA). In Fiscal Years 2001 and 2002, the MCAA received over \$10,000 in federal funds in the form of Airport Improvement Grants awarded by the Federal Aviation Administration (FAA).

In 1996, HALL and William Lefler purchased a 28 acre parcel of property adjacent to the Missoula Airport for \$250,000, or approximately \$8,929 per acre.

In 1999, John Patrick Seymour was the Deputy Airport Director. He introduced HALL and Lefler to members of the MCAA and suggested that the Airport consider purchasing land from the men.

On April 6, 1999, the Missoula Airport notified HALL and Lefler of the Airport's interest in purchasing 17.73 acres of the 28 acre parcel adjacent to the Missoula Airport.

Seymour became the Interim Airport Director for the Missoula Airport beginning in July of 1999. As Director, he was actively involved in plans to acquire property for future expansion.

On August 24, 1999, Seymour, on behalf of the Airport, hired an appraiser to perform an appraisal of the HALL/Lefler property. According to the appraiser, Seymour instructed him to appraise the property as if it would be developed into 8 commercial lots and sold in a strong real estate market, despite the property having not yet been subdivided at the time of the appraisal.

On November 2, 1999, the HALL/Lefler property was appraised at \$223,200. The appraiser later told an auditor that he was uncomfortable with having appraised the property as if it had been subdivided into commercial lots when it had not been.

On March 27, 2000, another appraiser reviewed the initial appraisal of the HALL/Lefler property and concluded the \$223,200 [\$12,589 per acre] value stated therein should be accepted “as is.”

On April 6, 2000, the Airport offered HALL and Lefler \$227,630 for the property. The offer was refused.

On April 14, 2000, the Airport submitted PFC (Passenger Fare Charges) application 3, seeking FAA approval to collect \$1.5M in PFCs to be applied toward the purchase of 114 acres of property encompassing both the HALL/Lefler property and other property owned by Lefler.

On April 24, 2000, HALL and Lefler made a counter offer of \$613,727, which was refused by the Airport.

On April 24, 2000, the Airport received a review of the initial appraisal performed by a land acquisition specialist. In his review, the specialist stated the Airport should pay no more than \$223,200 for the HALL/Lefler property unless both the initial appraisal as well as the second appraisal were revised.

On May 16, 2000, one of the owners of the property was asked to review the initial appraisal a second time, incorporating comments in the specialist’s review. Upon doing so, the owner found a slightly higher value for the HALL/Lefler property, \$246,000 [\$13,875 per acre].

Sometime prior to June 12, 2000, Seymour constructed a spreadsheet which reflected a “Total Indicated Land Value” for the HALL/Lefler property of \$473,691 [approx \$26,717 per acre]. An auditor hired by the Airport later concluded that this spreadsheet had no factual basis, and was an attempt by Seymour to get the answer he wanted with respect to the value of the HALL/Lefler property.

On June 12, 2000, based on Seymour’s spreadsheet, the Airport offered HALL and Lefler \$475,000 [\$26,791 per acre] for the property. This offer was subsequently rejected by HALL and Lefler.

On July 13, 2000, the FAA approved PFC application 3, thereby permitting the Airport to collect \$1.5M in PFCs to be applied toward the purchase of 114 acres of land encompassing the HALL/Lefler and Lefler properties.

Sometime prior to August 3, 2000, Seymour constructed a second spreadsheet which contained the heading “Appraisal – Adjusted” followed by a value of \$458,544. The spreadsheet also reflected \$145,000 in costs which would assumptively be incurred if the Airport condemned the HALL/Lefler property. With this “cost” added to the “value” of the property, the spreadsheet reflected the “Total Purchase Price” for the HALL/Lefler property should be \$603,544.

On August 3, 2000, only four months after offering the appraised value price of \$227,630, the Airport offered HALL and Lefler \$603,544 (the figure reflected on Seymour's second spreadsheet) for the property. HALL and Lefler accepted this offer. Per acre price was \$34,041.

On December 4, 2000, the Airport purchased the 17.73 acre parcel of the HALL/Lefler property for the agreed upon price of \$603,544, which was approximately \$357,000 more than the value determined in the revised appraisal. The purchase was funded with a Montana Board of Investments (MBI) note. This note was to be paid back using PFCs collected under PFC application 3, which had been approved by the FAA.

Personal and business bank records of HALL and Lefler reflect that they each provided Seymour with \$30,000.

In late 2004, during a search of Seymour's office computer, the auditor hired by the Airport recovered a March 13, 2001 letter detailing a transaction in which Seymour allegedly sold HALL and Lefler 20 bison for \$60,000. Investigation has determined that the \$60,000 traded hands between HALL, Lefler and Seymour, but there is no record that any livestock was provided to HALL or Lefler. Neither HALL nor Lefler were in the bison business and did not have any apparent motivation for buying bison from Seymour.

On July 17, 2002, the Airport received FAA approval to increase by \$1M the amount of PFCs it could collect under PFC application 3.

On more than one occasion during the summer of 2004, Seymour approached the director of the FAA, Airports District Office in Helena, regarding FAA funds set aside for the Airport to purchase what had been designated as development land north of the Airport.

Seymour told the director that the Airport had not yet been able to obtain environmental assessments (EAs) on said land, which are required prior to FAA money being used to purchase development land. Accordingly, Seymour asked if the Missoula Airport could apply the subject funds toward the purchase of the HALL/Lefler and Lefler properties, which were designated approach land and, therefore, did not require EAs. The director ultimately agreed.

On or about August 12, 2004, the Airport through Seymour, submitted an application for AIP-37, requesting \$1.6M of the funds originally set aside for the purchase of development land north of the Airport, to be applied toward the HALL/Lefler and Lefler properties. On August 27, 2004, the FAA approved AIP-37 for \$1.6M.

On or about September 14, 2004, the Airport drew down \$944,424 from AIP-37. On or about September 14, 2004, the Airport purchased the Lefler property for \$975,000.

In November of 2004, Seymour admitted to an attorney for the MCAA that he had stolen money from the Airport in connection with the Airport's 2003 purchase of land from two other individuals.

On November 15, 2004, MCAA counsel informed the Airport Board that there was reason to believe Seymour had stolen Airport funds. Seymour was suspended without pay and subsequently prosecuted in 2005, by the Missoula County Attorney, primarily for the theft from the other two individuals' land deal, and sentenced to a term in the Montana State prison system.

On January 6, 2005, Lefler was interviewed. During the interview, Lefler acknowledged that neither he nor HALL ever took possession of the bison they purchased from Seymour in 2001. Lefler further advised that he was unclear as to whether he and HALL had purchased the bison from Seymour jointly, or if each had paid \$30,000 in different, unrelated transactions.

Seymour was interviewed in November of 2005 as part of an agreement with federal prosecutors. Seymour told investigators that in 2000, while the Airport was engaged in negotiations to purchase the HALL/Lefler property, HALL and Lefler, who were very eager to sell the land at a premium price, offered to pay Seymour to get the sale completed. The three men subsequently entered into an agreement whereby Seymour was to use his position as Director to both accelerate the pace of the sale and make certain HALL and Lefler received their optimal price for the land, which the two men set at about \$525,000. Seymour admitted that, in return for his willingness to use his public position to benefit the two, HALL and Lefler were prepared to pay Seymour \$60,000 for the purchase of some bison Seymour owned.

Pursuant to their agreement, Seymour began to manipulate events and numbers which ultimately led, within four months of the first offer of \$227,630, to the Airport's purchase of the HALL/Lefler property for approximately \$603,000, more than \$350,000 above the land's highest appraised value. Seymour clarified for investigators that the sale price reflected the \$525,000 HALL and Lefler had wanted from the transaction, as well as \$60,000 to be "kicked back" to Seymour as a reward for his assistance. Seymour also confirmed that three months after the sale of the property went through, HALL and Lefler each gave him a \$30,000 check payable to Mountain West Bank, which Seymour applied to an outstanding loan he had at the bank. Seymour further stated that neither HALL nor Lefler ever took possession of any bison from him.

The FAA and the Airport Authority entered into discussions over federal reimbursement; about how much federal/local tax money should have been used to buy the parcel. The final agreement between the FAA and Airport regarding the property at issue was based on a final sales price of \$306,000, which equaled the property's highest appraised value (\$246,000) plus potential condemnation fees as demonstrated by the Airport (\$60,000). Missoula County was left wholly responsible for the inflated amount – approximately \$297,000 – to be paid for out of other MCAA resources.

As of this date, the property has never been developed or used by the Airport.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that HALL will likely serve **all** of the time imposed by the court. In the federal system, HALL does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Office of the Inspector General for the Department of Transportation, the Federal Bureau of Investigation and the Missoula County Sheriff’s Office.

RALPH MASON HAMILTON

RALPH MASON HAMILTON, age 51, appeared for sentencing. HAMILTON was sentenced to a term of:

- Prison: 6 months
- Special Assessment: \$100
- Restitution: \$321.79 to U.S. Customs and Border Protection
- Supervised Release: 3 years

HAMILTON was sentenced in connection with his guilty plea to foreign transportation of a stolen vehicle.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on November 4, 2005, HAMILTON drove a 1992 Dodge mini-van from southern Alberta through the Whitlash Port of Entry in Liberty County. The port of entry was closed at the time and he crashed through the gate. HAMILTON was seen by a Canadian citizen. His entry was recorded by camera-video by the CASC cameras stationed at the Sweetgrass Port of Entry.

Agents of the United States Border Patrol were alerted. HAMILTON fled, but agents ultimately apprehended him in Chester.

When HAMILTON was interviewed by Border Patrol agents, he admitted he stole the vehicle in Alberta.

Border Patrol agents confirmed with the registered owner of the vehicle in Alberta that it had, in fact, been stolen. The owners did not know HAMILTON and had not given him permission to use the vehicle.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that HAMILTON will likely serve **all** of the time imposed by the court. In the

federal system, HAMILTON does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth Horsman prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

MONTY TODD HEISER

MONTY TODD HEISER, a 40-year-old resident of Billings, was sentenced to a term of:

- Prison: 41 months
- Special Assessment: \$100
- Restitution: \$1,720
- Supervised Release: 3 years

HEISER was sentenced in connection with his guilty plea to counterfeiting and passing twenty dollar (\$20) bills.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On or about February 28, 2005, and continuing until on or about April 30, 2005, HEISER printed approximately 100 counterfeit twenty dollar (\$20) federal reserve notes.

HEISER purchased a stand-alone color printer from a Target store on which he printed counterfeit \$20 federal reserve notes for approximately two days and then returned the printer to Target. HEISER used a fake name when he returned the printer.

HEISER also purchased a printer from Wal-Mart and printed currency for two days before having a female acquaintance return the printer using a fake name.

On or about April 13, 2005, HEISER passed a counterfeit \$20 federal reserve note at Gabby’s Casino in Billings and attempted to pass another.

On April 13, 2005, an Avon Distributor deposited three counterfeit \$20 federal reserve notes into her account at Western Security Bank in Billings. The distributor stated that she had received cash from four individuals that day, including HEISER’S mother.

On April 18, 2005, a person matching the same general description as HEISER attempted to pass a counterfeit \$20 federal reserve note at the Blue Basket in Billings. The person was driving a vehicle licensed to HEISER’S mother.

On April 26, 2005, a neighbor of HEISER'S mother attempted to pass a counterfeit \$20 federal reserve note at the Town Pump in Billings. The neighbor stated that HEISER'S mother had given the counterfeit note to him and asked him to purchase cigarettes for her.

Law enforcement recovered 85 counterfeit \$20 federal reserve notes from 48 victims, 38 of them in and around Billings.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that HEISER will likely serve **all** of the time imposed by the court. In the federal system, HEISER does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Kurt G. Alme prosecuted the case for the United States.

The investigation was conducted by the Secret Service.

MATTHEW RAY HELMS

MATTHEW RAY HELMS, a 26-year-old resident of Great Falls, was sentenced in connection with his guilty plea to passing counterfeit \$20 Federal Reserve Notes to a term of:

- Prison: 18 months, concurrent with another sentence
- Special Assessment: \$100
- Restitution: \$420
- Supervised Release: 3 years

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

In August of 2005, Great Falls Police Department (GFPD) detectives were investigating a series of burglaries. Their investigation brought them in contact with a man recently released from "boot camp" and residing at the Great Falls Pre-Release Center. This cooperating witness told the detectives that other persons with whom he was associated were passing counterfeit \$20 Federal Reserve Notes (FRN) at the Montana State Fair.

Between September 2 and September 7, 2005, arrangements were made for the cooperating witness to contact Boemont James Bride and advise him that the cooperating witness had a buyer for \$200 worth of counterfeit currency.

On September 7, 2005, an ICE agent, posing as a buyer for the counterfeit currency, met with Bride outside a local business. They engaged in a recorded conversation at the conclusion of which Bride gave the agent a sheet of 11 uncut \$20 FRNs, all with the

same serial number.

Upon transfer of the counterfeit currency, Bride was arrested.

Bride later admitted to manufacturing the \$20 FRNs on his home computer. He indicated that he had purchased the necessary accessory equipment (scanner and printer) in July, and that he had purchased the paper a few days later. Bride confessed to printing about \$350 worth of counterfeit currency and with HELMS, passed the bogus bills at fast food vendors at the fair. Bride also admitted to passing counterfeit currency after the fair at local gas stations and fast food restaurants.

HELMS was interviewed and admitted to passing counterfeit currency with Bride.

A search of Bride's apartment revealed the computer, scanner, and printer that Bride had described. The officers also discovered additional uncut counterfeit currency in the trash and in the refrigerator. Between the sting and the search, agents found approximately \$500 worth of counterfeit currency.

Twenty counterfeit notes were passed at, and retrieved from, various businesses in Great Falls.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that HELMS will likely serve **all** of the time imposed by the court. In the federal system, HELMS does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the United States Secret Service and the Bureau of Immigration and Customs Enforcement.

HUGH ELLIOTT HETHERINGTON

HUGH ELLIOTT HETHERINGTON, a 46-year-old resident of Bozeman, was sentenced to a term of:

- Probation: 24 months
- Special Assessment: \$25
- Fine: \$5,000

HETHERINGTON was sentenced in connection with his guilty plea to introduction of a non-FDA approved drug into interstate commerce.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

The Food and Drug Administration (FDA) has established approval procedures and protocols for the development and introduction into commerce of new drugs and biological products.

On December 9, 1991, the FDA approved an application for the use of botulinum toxin type A for the treatment of certain medical conditions in humans, such as spasticity and other related nerve problems. The registered brand name of this drug is BOTOX®, and the application which FDA gave approval for this use had been filed by Allergan, Inc.

Botulinum toxin used in this manner meets the regulatory definition of both a drug and a biological product. Accordingly, no form of the toxin can be legally distributed in interstate commerce intended to diagnose, cure, mitigate, treat, or prevent disease in man or other animals, or intended to change the structure or function of the body of man or other animals, unless it is manufactured, prepared, propagated, compounded, or processed in an establishment registered with and licensed by the FDA, and licensed by the FDA as a biological product or approved as a new drug.

The process of destroying nerve function through the introduction of botulinum toxin type A into the body was found to have the effect of temporarily eliminating dynamic rhytids (facial wrinkles). Wrinkles are a consequence of nerves and facial muscles acting in concert. By using the toxin to bind the nerve, the muscle cannot contract and no wrinkle will occur until the nerve ending has been repaired through new growth.

On April 12, 2002, the FDA approved the use of Allergan's botulinum toxin type A for the treatment of facial wrinkles. The registered brand name of this drug is BOTOX Cosmetic®, and Allergan, Inc. was the only manufacturer of botulinum toxin type A which had satisfied the agency that the toxin it produced, and that the production method, was safe and effective for this purpose. Subsequent to this approval, Allergan implemented a series of price increases for BOTOX Cosmetic®.

DR. HETHERINGTON is a physician engaged in the practice of medicine and the owner and operator of Big Sky Cosmetic Surgery in Bozeman. Toxin Research International (TRI) was a Tucson, Arizona company that marketed an unapproved botulinum toxin type A product. This toxin was called TRI botulinum type A, or TRI Toxin.

On October 6, 2004, the FDA conducted an inspection of TRI.

On December 4, 2004, the FDA served a search warrant on the business premises of TRI, Inc., in Tucson, Arizona, and agents seized 134 vials of botulinum toxin type A, 500 IU vials, numerous marketing materials sent to physicians around the country, including HETHERINGTON, all of which indicated TRI was promoting and selling botulinum toxin type A to medical doctors (as opposed to veterinarians or research scientists) even though labeling clearly contained the disclaimer "Not for Human Use."

Documents confirmed that HETHERINGTON had traveled to a seminar in Scottsdale, Arizona, in June of 2003. At that conference, TRI was promoting its botulinum toxin type A. Two vials were purchased by HETHERINGTON in July of 2003. The shipping records obtained by the FDA indicate that between May 25, 2004, and September 23, 2004, three more orders, totaling four vials of 500 IU each of the unapproved botulinum toxin type A drug, were made by Big Sky Cosmetic Surgery.

HETHERINGTON was interviewed on February 23, 2005, and advised that TRI officials were selling a generic BOTOX that was reported to be both cheaper and better than BOTOX Cosmetic®. Upon HETHERINGTON'S return to Bozeman from the seminar in 2003, he directed an employee to order the TRI product for HETHERINGTON'S practice. He stated it was his intent to give his patients, who sought BOTOX injections, the option to use a cheaper, substitute drug to assist those patients who could not afford real BOTOX. He admitted that he knew that the TRI product was not approved by the FDA.

The FDA's investigation determined that no patient appeared harmed by the use of the unapproved product and no patient claimed harm other than minor side-effects consistent with the FDA approved drug, BOTOX Cosmetic®.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that HETHERINGTON will likely serve **all** of the time imposed by the court. In the federal system, HETHERINGTON does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by the Food and Drug Administration.

ALANA BARBARA HOLMGREN

ALANA BARBARA HOLMGREN, a 20-year-old resident of Great Falls, appeared for sentencing.

HOLMGREN was sentenced to a term of:

- Prison: 42 months, consecutive to any other sentence
- Special Assessment: \$100
- Supervised Release: 3 years

HOLMGREN was sentenced in connection with her guilty plea to retaliation against a witness.

In an Offer of Proof filed by the United States, the government stated it would have

proved at trial the following:

That on or about September 13, 2005, while detained in the Cascade County Detention Facility in Great Falls, HOLMGREN and Ashley Marie McCormack entered the cell of another female, and after locking the cell door from the inside, proceeded to punch and kick the female until she bled. During the assault, McCormack referred to the woman as a “rat.”

When interviewed, McCormack stated that she had gone to the woman’s cell to confront her as McCormack suspected that the woman had given law enforcement agents her name.

When HOLMGREN was interviewed, she stated she went to the woman’s cell to confront her about “giving up” McCormack.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that HOLMGREN will likely serve **all** of the time imposed by the court. In the federal system, HOLMGREN does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Anna S. Peckham prosecuted the case for the United States.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

WILLIAM CODY HORVATH

WILLIAM CODY HORVATH, a 36-year-old resident of Whitefish, was sentenced to a term of:

- Home Arrest: 4 months
- Special Assessment: \$100
- Community Service: 50 hours – HORVATH was ordered to wear a sandwich board with, “I am a liar. I am not a Marine. I have never served my country.”, in front of the Missoula County Courthouse. He was also ordered to write letters of apology to newspapers, the Marine Corps, and veterans groups.
- Probation: 4 years

HORVATH was sentenced in connection with his guilty plea to making a false statement.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On August 9, 2001, during an interview with a U.S. Probation and Parole officer, HORVATH claimed to have been in the United States Marine Corps.

When the officer attempted to verify HORVATH'S military service, the Marine Corps stated there was no record of HORVATH ever having served.

HORVATH then presented evidence to the Probation and Parole officer which included photographs and decorations. Representatives of the Marine Corps told the Probation and Parole officer that there were a variety of inconsistencies with the materials HORVATH had presented. The inconsistencies included his uniform was worn improperly; decorations were displayed improperly; and equipment and uniforms worn in the photos either did not fit with the era, or were inconsistent with other items in the photos.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that HORVATH will likely serve **all** of the time imposed by the court. In the federal system, HORVATH does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was conducted by the U.S. Probation and Parole Office.

GUO XIN HUANG

GUO XIN HUANG, a 38-year-old resident of Ontario, Canada, pled guilty to and was sentenced on the charge of attempted smuggling.

HUANG was sentenced to a term of:

- Prison: 60 months
- Special Assessment: \$100
- Supervised Release: 3 years

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On October 4, 2001, United States Customs Service inspectors searched a commercial tractor and trailer that had entered the United States from Canada via the Blaine Port of Entry in the Western District of Washington. The inspectors found a large amount of marijuana concealed in a hidden compartment in the trailer. The truck's driver and a passenger were arrested.

The passenger confessed to United States Customs agents that he was aware the

trailer contained marijuana. He also confessed that he had previously delivered marijuana to the United States from Canada in a commercial truck and trailer in September 2001.

The passenger assisted Customs in making a controlled delivery of the marijuana to another individual.

On January 15, 2002, another person attempted to drive a Freightliner tractor and attached trailer from British Columbia into the United States via the Blaine Port of Entry in the Western District of Washington. The tractor/trailer was operated by Galaxy Freightways, a subsidiary of National Fibers, LTD. Galaxy Freightways operates from British Columbia, Canada. Ostensibly, the trailer contained beer destined for San Diego, California. A United States Customs inspector searched the trailer and found not only beer, but also 34 hockey bags filled with marijuana. Collectively, the hockey bags contained 1,494 pounds of marijuana.

This person was arrested and subsequently indicted by the United States in the Western District of Washington for importation of marijuana and possession of marijuana with intent to distribute.

The United States Customs Service seized the tractor and trailer. On January 21, 2002, the general manager for Galaxy Freightways, appealed that seizure, asserting his company did not know the person had used Galaxy's truck to smuggle drugs. Based on the appeal, the United States Customs Service returned the truck and trailer to Galaxy Freightways.

On May 10, 2002, HUANG attempted to enter the United States Port of Entry at Piegan in a tractor/trailer bearing the company name Galaxy Freightways. The tractor was the very same tractor which the United States Customs Service had seized at the Blaine, Washington port of entry on January 15, 2002, and later returned to Galaxy Freightways. The trailer ostensibly contained peat moss bound for Oregon. Custom officials at the Piegan Port of Entry turned the truck away, since that port of entry is not a commercial point of entry.

HUANG then drove to the port of entry located at Sweetgrass, Montana. Inspectors there found a concealed compartment in the front nose section of the trailer. That compartment contained 1,226 pounds of high-grade marijuana known as "B.C. Bud." HUANG was arrested and interviewed.

HUANG eventually insisted that he had to call his dispatcher. He called his dispatcher, who was actually a suspected co-conspirator. HUANG did not identify himself and simply stated that he was leaving Customs.

HUANG and his co-conspirators made numerous trips with illegal drugs in addition to the May 2002 trip.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that HUANG will likely serve **all** of the time imposed by the court. In the federal system, HUANG does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

MATTHEW J. ISSACHAROFF

MATTHEW J. ISSACHAROFF, a resident of California, was sentenced to the charge of willful failure to pay child support.

ISSACHAROFF was sentenced to a term of:

- Probation: 1 year
- Special Assessment: \$10
- Community Service: 250 hours
- Restitution: \$321,378.12 to Child Support Enforcement Division to be paid to Catherine Westberg; future payment of \$26,609.16 to be paid directly to Catherine Westberg

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that ISSACHAROFF and his spouse were divorced in 1998 in Connecticut.

ISSACHAROFF was ordered to pay unallocated alimony and child support for three minor children of the marriage in the amount of \$900.00 per week.

From approximately 1999 to the present, ISSACHAROFF has willfully failed to pay the child support obligation. The obligation remained unpaid for a period longer than one year and is currently at an amount exceeding \$320,000.00.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the Inspector General’s Office for the United States Department of Health and Human Services.

KEITH ALLEN LARSON

KEITH ALLEN LARSON, a 28-year-old resident of Butte, was sentenced to a term of:

- Home Arrest: 4 months

- Special Assessment: \$100
- Restitution: \$133.73
- Supervised Release: 5 years

LARSON was sentenced in connection with his guilty plea to theft of government property.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On November 5, 2005, an agent with the Forest Service was notified that someone had cut the fence and entered the Butte Ranger District fleet compound in Butte.

The agent was also informed that an all-terrain-vehicle (ATV), owned by the United States Forest Service, had been moved to a location close to where the fence had been cut. The ATV was a 2001 Honda, for which the Forest Service paid \$13,075. Based on the location of the ATV, law enforcement suspected that the individuals who had cut the fence and moved the ATV intended to return at a future date to complete the theft of the ATV.

Officers installed additional surveillance equipment where the fence had been cut and an agent conducted physical surveillance during the early morning hours of November 6, 2006. During this surveillance, the agent observed two subjects attempting to pull the ATV through the hole cut in the fence. The agent further observed the subjects reentering the compound and running south.

With the assistance of local county deputies, the agent was able to track the subjects' path, which was marked in fresh snow, to a field adjacent to the Butte Ranger District fleet compound.

While following the subjects' tracks in the snow, the agent observed two individuals lying face down in the field. LARSON and Paul Edward Crawford were taken into custody.

Crawford pled guilty and has been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that LARSON will likely serve **all** of the time imposed by the court. In the federal system, LARSON does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Kris A. McLean prosecuted the case for the United States.

The investigation was conducted by the Law Enforcement and Investigations Division of the Forest Service.

WILLIAM JOSEPH “B.J.” LEFLER

WILLIAM JOSEPH “B.J.” LEFLER, a 55-year-old resident of Frenchtown, was sentenced to a term of:

- Probation: 5 years, with 6 months home arrest
- Special Assessment: \$100
- Restitution: \$60,000

LEFLER was sentenced in connection with his guilty plea to bribery.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

The Missoula International Airport is managed, maintained, operated, and controlled by the Missoula County Airport Authority (MCAA). In Fiscal Years 2001 and 2002, the MCAA received over \$10,000 in federal funds in the form of Airport Improvement Grants awarded by the Federal Aviation Administration (FAA).

In 1996, LEFLER and Roger Dale Hall purchased a 28 acre parcel of property adjacent to the Missoula Airport for \$250,000, or approximately \$8,929 per acre.

In 1999, John Patrick Seymour was the Deputy Airport Director. He introduced Hall and LEFLER to members of the MCAA and suggested that the Airport consider purchasing land from the men.

On April 6, 1999, the Missoula Airport notified Hall and LEFLER of the Airport's interest in purchasing 17.73 acres of the 28 acre parcel adjacent to the Missoula Airport.

Seymour became the Interim Airport Director for the Missoula Airport beginning in July of 1999. As Director, he was actively involved in plans to acquire property for future expansion.

On August 24, 1999, Seymour, on behalf of the Airport, hired an appraiser to perform an appraisal of the Hall/LEFLER property. According to the appraiser, Seymour instructed him to appraise the property as if it would be developed into 8 commercial lots and sold in a strong real estate market, despite the property having not yet been subdivided at the time of the appraisal.

On November 2, 1999, the Hall/LEFLER property was appraised at \$223,200. The appraiser later told an auditor that he was uncomfortable with having appraised the property as if it had been subdivided into commercial lots when it had not been.

On March 27, 2000, another appraiser reviewed the initial appraisal of the Hall/LEFLER property and concluded the \$223,200 [\$12,589 per acre] value stated therein should be

accepted “as is.”

On April 6, 2000, the Airport offered Hall and LEFLER \$227,630 for the property. The offer was refused.

On April 14, 2000, the Airport submitted PFC (Passenger Fare Charges) application 3, seeking FAA approval to collect \$1.5M in PFCs to be applied toward the purchase of 114 acres of property encompassing both the Hall/LEFLER property and other property owned by LEFLER.

On April 24, 2000, Hall and LEFLER made a counter offer of \$613,727, which was refused by the Airport.

On April 24, 2000, the Airport received a review of the initial appraisal performed by a land acquisition specialist. In his review, the specialist stated the Airport should pay no more than \$223,200 for the Hall/LEFLER property unless both the initial appraisal as well as the second appraisal were revised.

On May 16, 2000, one of the owners of the property was asked to review the initial appraisal a second time, incorporating comments in the specialist’s review. Upon doing so, the owner found a slightly higher value for the Hall/LEFLER property, \$246,000 [\$13,875 per acre].

Sometime prior to June 12, 2000, Seymour constructed a spreadsheet which reflected a “Total Indicated Land Value” for the Hall/LEFLER property of \$473,691 [approx \$26,717 per acre]. An auditor hired by the Airport later concluded that this spreadsheet had no factual basis, and was an attempt by Seymour to get the answer he wanted with respect to the value of the Hall/LEFLER property.

On June 12, 2000, based on Seymour’s spreadsheet, the Airport offered Hall and LEFLER \$475,000 [\$26,791 per acre] for the property. This offer was subsequently rejected by Hall and LEFLER.

On July 13, 2000, the FAA approved PFC application 3, thereby permitting the Airport to collect \$1.5M in PFCs to be applied toward the purchase of 114 acres of land encompassing the Hall/LEFLER and LEFLER properties.

Sometime prior to August 3, 2000, Seymour constructed a second spreadsheet which contained the heading “Appraisal – Adjusted” followed by a value of \$458,544. The spreadsheet also reflected \$145,000 in costs which would assumptively be incurred if the Airport condemned the Hall/LEFLER property. With this “cost” added to the “value” of the property, the spreadsheet reflected the “Total Purchase Price” for the Hall/LEFLER property should be \$603,544.

On August 3, 2000, only four months after offering the appraised value price of

\$227,630, the Airport offered Hall and LEFLER \$603,544 (the figure reflected on Seymour's second spreadsheet) for the property. Hall and LEFLER accepted this offer. Per acre price was \$34,041.

On December 4, 2000, the Airport purchased the 17.73 acre parcel of the Hall/LEFLER property for the agreed upon price of \$603,544, which was approximately \$357,000 more than the value determined in the revised appraisal. The purchase was funded with a Montana Board of Investments (MBI) note. This note was to be paid back using PFCs collected under PFC application 3, which had been approved by the FAA.

Personal and business bank records of Hall and LEFLER reflect that they each provided Seymour with \$30,000.

In late 2004, during a search of Seymour's office computer, the auditor hired by the Airport recovered a March 13, 2001 letter detailing a transaction in which Seymour allegedly sold Hall and LEFLER 20 bison for \$60,000. Investigation has determined that the \$60,000 traded hands between Hall, LEFLER and Seymour, but there is no record that any livestock was provided to Hall or LEFLER. Neither Hall nor LEFLER were in the bison business and did not have any apparent motivation for buying bison from Seymour.

On July 17, 2002, the Airport received FAA approval to increase by \$1M the amount of PFCs it could collect under PFC application 3.

On more than one occasion during the summer of 2004, Seymour approached the director of the FAA, Airports District Office in Helena, regarding FAA funds set aside for the Airport to purchase what had been designated as development land north of the Airport.

Seymour told the director that the Airport had not yet been able to obtain environmental assessments (EAs) on said land, which are required prior to FAA money being used to purchase development land. Accordingly, Seymour asked if the Missoula Airport could apply the subject funds toward the purchase of the Hall/LEFLER and LEFLER properties, which were designated approach land and, therefore, did not require EAs. The director ultimately agreed.

On or about August 12, 2004, the Airport through Seymour, submitted an application for AIP-37, requesting \$1.6M of the funds originally set aside for the purchase of development land north of the Airport, to be applied toward the Hall/LEFLER and LEFLER properties. On August 27, 2004, the FAA approved AIP-37 for \$1.6M.

On or about September 14, 2004, the Airport drew down \$944,424 from AIP-37. On or about September 14, 2004, the Airport purchased the LEFLER property for \$975,000.

In November of 2004, Seymour admitted to an attorney for the MCAA that he had

stolen money from the Airport in connection with the Airport's 2003 purchase of land from two other individuals.

On November 15, 2004, MCAA counsel informed the Airport Board that there was reason to believe Seymour had stolen Airport funds. Seymour was suspended without pay and subsequently prosecuted in 2005, by the Missoula County Attorney, primarily for the theft from the other two individuals' land deal, and sentenced to a term in the Montana State prison system.

On January 6, 2005, LEFLER was interviewed. During the interview, LEFLER acknowledged that neither he nor Hall ever took possession of the bison they purchased from Seymour in 2001. LEFLER further advised that he was unclear as to whether he and Hall had purchased the bison from Seymour jointly, or if each had paid \$30,000 in different, unrelated transactions.

Seymour was interviewed in November of 2005 as part of an agreement with federal prosecutors. Seymour told investigators that in 2000, while the Airport was engaged in negotiations to purchase the Hall/LEFLER property, Hall and LEFLER, who were very eager to sell the land at a premium price, offered to pay Seymour to get the sale completed. The three men subsequently entered into an agreement whereby Seymour was to use his position as Director to both accelerate the pace of the sale and make certain Hall and LEFLER received their optimal price for the land, which the two men set at about \$525,000. Seymour admitted that, in return for his willingness to use his public position to benefit the two, Hall and LEFLER were prepared to pay Seymour \$60,000 for the purchase of some bison Seymour owned.

Pursuant to their agreement, Seymour began to manipulate events and numbers which ultimately led, within four months of the first offer of \$227,630, to the Airport's purchase of the Hall/LEFLER property for approximately \$603,000, more than \$350,000 above the land's highest appraised value. Seymour clarified for investigators that the sale price reflected the \$525,000 Hall and LEFLER had wanted from the transaction, as well as \$60,000 to be "kicked back" to Seymour as a reward for his assistance. Seymour also confirmed that three months after the sale of the property went through, Hall and LEFLER each gave him a \$30,000 check payable to Mountain West Bank, which Seymour applied to an outstanding loan he had at the bank. Seymour further stated that neither Hall nor LEFLER ever took possession of any bison from him.

The FAA and the Airport Authority entered into discussions over federal reimbursement; about how much federal/local tax money should have been used to buy the parcel. The final agreement between the FAA and Airport regarding the property at issue was based on a final sales price of \$306,000, which equaled the property's highest appraised value (\$246,000) plus potential condemnation fees as demonstrated by the Airport (\$60,000). Missoula County was left wholly responsible for the inflated amount – approximately \$297,000 – to be paid for out of other MCAA resources.

As of this date, the property has never been developed or used by the Airport.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that LEFLER will likely serve **all** of the time imposed by the court. In the federal system, LEFLER does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Office of the Inspector General for the Department of Transportation, the Federal Bureau of Investigation and the Missoula County Sheriff’s Office.

DEBORAH MAPLETHORPE

DEBORAH MAPLETHORPE, a 52-year-old resident of Frenchtown, was sentenced to a term of:

- Probation: 5 years, with 2 months of home arrest
- Special Assessment: \$100
- Restitution: \$15,967.18

MAPLETHORPE was sentenced in connection with her guilty plea to misappropriation of postal funds.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

From July 19, 2005 through November 9, 2005, MAPLETHORPE, an employee of the United States Postal Service, issued postal money orders without making payment and converted the funds to her own use, usually for the purpose of gambling in local casinos.

Approximately 60 money orders were issued by MAPLETHORPE but not reported as having been sold. In some cases she issued the money orders in her own name, and in other cases she accepted cash payments from customers for money orders but did not report the cash as having been received, or the sale of the money order as having occurred.

On November 4, 2005, MAPLETHORPE was interviewed and admitted to imprinting the money orders without paying for them and using the funds to gamble. Some of the funds were later repaid, but many were not. The total amount of money that MAPLETHORPE converted to her own use was \$24,739.25.

Because there is no parole in the federal system, the “truth in sentencing” guidelines

mandate that MAPLETHORPE will likely serve **all** of the time imposed by the court. In the federal system, MAPLETHORPE does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the U.S. Postal Inspection Service.

ASHLEY MARIE McCORMACK

ASHLEY MARIE McCORMACK, a 22-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 51 months, consecutive to any other sentence
- Special Assessment: \$100
- Supervised Release: 3 years

McCORMACK was sentenced in connection with her guilty plea to retaliation against a witness.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

That on or about September 13, 2005, while detained in the Cascade County Detention Facility in Great Falls, McCORMACK and Alana Barbara Holmgren entered the cell of another female, and after locking the cell door from the inside, proceeded to punch and kick the female until she bled. During the assault, McCORMACK referred to the woman as a “rat.”

When interviewed, McCORMACK stated that she had gone to the woman’s cell to confront her as McCORMACK suspected that the woman had given law enforcement agents her name.

When Holmgren was interviewed, she stated she went to the woman’s cell to confront her about “giving up” McCORMACK.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that McCORMACK will likely serve **all** of the time imposed by the court. In the federal system, McCORMACK does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Anna S. Peckham prosecuted the case for the United States.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

GINA MICHELLE McCOY

GINA MICHELLE McCOY, of Bozeman, was sentenced to a term of:

- Probation: 24 months, with a 6 month condition of home detention with electronic monitoring
- Special Assessment: \$100

McCOY was sentenced in connection with her guilty plea to willfully giving a gratuity to a public official.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that in March of 2001, McCOY, while employed as a waitress in Virginia Beach, Virginia, became acquainted with John Dyer, a civilian Program Manager with the Navy's Combat Direction System's Activity (CDSA) who frequented the restaurant/bar where McCOY worked.

During this time McCOY advised Dyer she operated a graphic arts business from her home called Custom Art and Design. After hearing this, Dyer hired McCOY to paint a mural in his home.

Afterwards, Dyer, who was married, and McCOY entered into a relationship and McCOY began accompanying and providing companionship to him on his government-related travel to Florida and Washington, D.C.

After completion of the mural project, he asked McCOY if she would be interested in performing subcontracting work. McCOY agreed and he introduced her to the owners of GTS, a Virginia Beach company that provided services and support to the Navy's CDSA through various federal contracts. Upon Dyer's request, GTS thereafter retained McCOY as a subcontractor. Dyer assisted McCOY in preparing a Statement of Work which was sent to the GTS for review and signature. After the Statement of Work was approved, Dyer asked McCOY to prepare an estimate for her first subcontract job with GTS. McCOY told Dyer she was unfamiliar with estimating a government contract, so when McCOY suggested a contract price, Dyer told her to inflate that price by approximately 100 percent. Dyer assured McCOY that she would receive this amount since he would move money from existing Navy projects to pay for her subcontracting work at GTS.

In May of 2001, again with Dyer's assistance, McCOY obtained employment with ACS Systems & Engineering (ACS) a Virginia Beach corporation providing services and support to the Navy's CDSA through federal contracts.

After McCOY began receiving payment for her work at GTS and ACS in June of 2001, Dyer told her that he wanted some of the money back for himself as well as for the individual who had hired her at ACS.

During the course of her employment with GTS and ACS, McCOY received over \$43,000. Between July 2001 and April 2002, McCOY gave Dyer approximately \$10,000 of the money McCOY had earned from the subcontracting work which Dyer helped her to obtain and for which he provided the funding.

Dyer has pled guilty to federal charges in Virginia and is awaiting sentencing.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that McCOY will likely serve **all** of the time imposed by the court. In the federal system, McCOY does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Kurt G. Alme prosecuted the case for the United States.

The investigation was conducted by criminal investigators for the United States Navy.

RONALD JEROME McNAMARA

RONALD JEROME McNAMARA was sentenced to a term of:

- Probation: 3 years
- Special Assessment: \$25

McNAMARA was sentenced in connection with his guilty plea to threatening a Social Security Administration employee.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on or about June 27, 2005, in Billings, McNAMARA did by threat of force, intimidate and impede an employee of the Social Security Administration.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that McNAMARA will likely serve **all** of the time imposed by the court. In the federal system, McNAMARA does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was conducted by the Federal Protective Service.

DOUGLAS M. MILLER

DOUGLAS M. MILLER, a 59-year-old resident of Columbus, was sentenced to a term of:

- Prison: 10 months
- Special Assessment: \$75
- Restitution: \$69,192
- Supervised Release: 1 year - term of supervised release is that he is to file all tax returns and enter into a payment plan with the IRS to pay all taxes.

MILLER was sentenced in connection with his guilty plea to three counts of failure to file federal tax returns.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that MILLER failed to file income tax returns for 1999, 2000, and 2001.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that MILLER will likely serve **all** of the time imposed by the court. In the federal system, MILLER does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Kurt G. Alme prosecuted the case for the United States.

The investigation was conducted by the Criminal Investigation Division of the Internal Revenue Service.

PEARL MORRISON A/K/A PEARL STRANGE OWL

PEARL MORRISON A/K/A PEARL STRANGE OWL, a 30-year-old resident of Busby, was sentenced to a term of:

- Prison: 21 months
- Special Assessment: \$100
- Restitution: is deferred for 90 days
- Supervised Release: 1 year

MORRISON was sentenced in connection with her guilty plea to misprision of a felony.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on October 3, 2004, Orville Morrison shot the victim with a firearm at the residence of Morrison’s father outside of Busby. PEARL MORRISON was on the deck of her father’s residence and watched the shooting, along with her two minor children. After the shooting, Orville Morrison fled the area. BIA officers heard the shots

fired and drove up to the residence. When a BIA officer approached the residence, PEARL MORRISON was waiting on the dirt road near the garage.

PEARL MORRISON and the officer briefly discussed a prior altercation from that morning. PEARL MORRISON became angry during the conversation and told the officer to leave. The officer told her that she had heard shots fired and that the officer was there to investigate. PEARL MORRISON told the officer that nothing was going on and the officer should leave. The officer drove past PEARL MORRISON and knocked at the front door of the residence. PEARL MORRISON ran behind the officer and when her daughter opened the door, PEARL MORRISON yelled at the daughter not to let the officer in as the officer did not have a warrant.

At that moment, two women ran from the residence screaming for the officer to help them, that they were going to be killed. The officer immediately entered the residence and PEARL MORRISON attacked the officer from behind. The officer knocked PEARL MORRISON off her, held her back and told her that she had to get back. PEARL MORRISON refused and the officer and another officer took PEARL MORRISON to the living room to subdue her. PEARL MORRISON told one of the officers that nothing was going on and she did not know why the two women were screaming.

As the officers continued to investigate, PEARL MORRISON finally had to be handcuffed and taken from the scene.

The two women reported that Orville Morrison had shot and killed the victim and that he was still in the van by the residence. An officer confirmed that the victim had been shot and that he was dead. Orville Morrison's whereabouts were unknown. The women, the victim's wife and cousin, reported that they had both jumped from the vehicle after the shooting and were approached by PEARL MORRISON. PEARL MORRISON told them to sit on the back bumper if they knew what was good for them. PEARL MORRISON told them that the only way they were leaving was if they had money to give her. The victim's cousin stated that she only had a credit card and tried to give it to PEARL MORRISON. PEARL MORRISON told the two to get in the house and stay in the bathroom, and not to make noise or look out.

PEARL MORRISON'S children both reported that PEARL MORRISON and they had been standing on the porch of the house and watched Orville Morrison shoot the victim.

The investigation also revealed that PEARL MORRISON had full knowledge of the homicide, standing there as they transpired, and that she did not tell any judge or other person in authority that a crime had been committed. She attempted to conceal the crime by interfering with the investigation by attempting to make the officers leave the property by falsely claiming that nothing had happened at the residence and intimidating the two female witnesses.

Because there is no parole in the federal system, the "truth in sentencing" guidelines

mandate that MORRISON will likely serve **all** of the time imposed by the court. In the federal system, MORRISON does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Bureau of Indian Affairs.

MANISHKUMAR PATEL

MANISHKUMAR PATEL, a 32-year-old resident of India, was sentenced to a term of:

- Prison: 207 days (time served)
- Special Assessment: \$100
- Supervised Release: 1 year

PATEL was sentenced in connection with his guilty plea to misprision of a felony.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on June 20, 2005, PATEL was stopped for traffic violations on I-90 in Mineral County by a Montana Highway Patrol officer. Also in the car with PATEL were several individuals who were unable to speak English and had questionable identification documents.

The officer then contacted Immigration and Customs Enforcement officers. Upon review of immigration records, it was learned that none of the occupants of the car were listed as having entered the country legally.

ICE agents then responded to interview PATEL and his passengers. PATEL admitted he knew the individuals were in the country illegally and explained that he was transporting them on behalf of others whom he knew to be involved in alien smuggling.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that PATEL will likely serve **all** of the time imposed by the court. In the federal system, PATEL does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

REBECCA RAYLENE RING

REBECCA RAYLENE RING, a 32-year-old resident of Roundup, was sentenced to a term of:

- Probation: 2 years
- Special Assessment: \$100
- Restitution: \$56.50

RING was sentenced in connection with her guilty plea to theft of mail by a postal employee.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

RING had been a U.S. Postal employee at the Roundup Post Office since December of 2000.

Beginning in 2004 or earlier, the Roundup Post Office began receiving written complaints about missing money from correspondence. At various times, between 2004 and November of 2005, those written complaints were removed from the drawer in which they were kept by one of the four employees of the Post Office that would have had access to those complaints.

In late October of 2005, a postal clerk received a telephonic complaint from a postal patron who complained that she had sent a birthday card to Aurora, Colorado, containing a \$50 bill. The card was in a priority envelope with delivery confirmation. The customer complained that the addressee had never received the card or the money. The patron identified RING as the clerk who had waited on her.

Later in the day, the postal clerk discovered a rifled priority envelope and made a copy of the confirmation information. When the clerk told the Postmaster of the tampering and went to retrieve the original envelope, it was gone. The Postmaster alerted the Postal Inspection Service of the suspected theft.

A Postal Inspector, together with agents from the Postal Service's Office of Inspector General, interviewed the postal customer. She reiterated that she had been waited on by RING (according to the name tag) and that RING had assisted her with the priority mailing. The customer provided Inspectors with the confirmation receipt she had retained and it matched the number from the rifled mail the postal clerk had discovered after the initial complaint. The tracking number showed only that the mail was accepted at the Roundup station.

On October 28, 2005, Inspectors initiated a "sting" operation designed to confirm whether RING was stealing from mail or other postal transactions. A USPS OIG agent

purchased a \$200 money order from RING payable to “Barb Pearson.” Twenty minutes later, a second inspector approached RING with the same money order, telling RING that he had found the money order in the parking lot. Post Office records reflect that the money order was cashed through RING’S internal account with the forged endorsement “Barbara Pearson.”

On November 3, 2005, a second test was run. Agents prepared a greeting card containing two \$100 bills. The card was addressed to a fictional person in Colorado. A USPS OIG agent took the card to the window at the Roundup Post Office and, in RING’s presence, sealed the contents, purchased a \$.60 stamp and gave it to RING. After the close of business, the Postmaster retrieved the letter for the inspectors. The card had been opened and the money removed.

When questioned by the inspectors, RING denied opening the most recent test letter. When inspectors showed her that the money was missing, RING reached under her sweater and retrieved the two \$100 bills, telling the inspectors that she thought she could get away with it. However, when asked whether she had ever stolen a money order, she denied ever having done so. RING was then confronted about the postal money order that was negotiated through her postal account. RING then admitted that she had filled out the money order and endorsed it to get the money. She confirmed to the inspectors that she was aware of the proper protocol for handling a lost money order. RING was then asked about the card that initiated the investigation. RING denied any knowledge of the rifled mail, but when asked if she remembered the transaction, RING stated that she did and that she “just got sucked in.” When asked why she took that money, RING replied that she did not know.

RING then provided a sworn statement wherein she admitted that she had opened the mail of postal patrons, removed things of value, and cashed the money order. She admitted to this occurring about ten times and stated that she used some of the stolen money to gamble.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that RING will likely serve **all** of the time imposed by the court. In the federal system, RING does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by the U.S. Postal Inspection Service.

DWAIN ROUSE

DWAIN ROUSE, a 22-year-old resident of Kingstree, South Carolina, and Malmstrom Air Force Base, was sentenced to a term of:

- Prison: 27 months, concurrent with other sentences

ROUSE was sentenced in connection with his guilty plea to counterfeiting.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On September 12, 2005, the Great Falls Police Department received a tip from an informant who claimed an individual was passing counterfeit \$50 Federal Reserve Notes in the Great Falls area.

Later that month, a counterfeit \$50 bill was passed at a local casino and on September 27, 2005, a local bank advised the Great Falls Police Department that a man had attempted to turn in a ripped \$50 bill in exchange for an undamaged \$50 bill.

The original informant was re-interviewed on September 28, 2005, and advised the individual had obtained the counterfeit currency from two friends at Malmstrom AFB.

On September 28, 2005, an individual was interviewed and admitted to obtaining the counterfeit \$50 bill from ROUSE. ROUSE had asked him to pass the notes in Great Falls and that they would then share in the proceeds of the legitimate currency given in change from the fifties. The individual claimed that the notes were not of very good quality, that he had torn them in half, and had not passed any of the bogus money as requested by ROUSE.

On October 17, 2005, Rouse contacted the individual to inquire as to whether he would be interested in more counterfeit notes. The individual advised the Great Falls Police Department of the approach and agreed to make a consensually monitored telephone call to ROUSE to discuss ROUSE'S proposition. On October 18, 2005, the individual advised ROUSE that he would be ready to purchase counterfeit for \$.50 on the dollar sometime during the second week in November.

During this same time period, federal agents were negotiating through an undercover agent for the purchase of cocaine from an associate of ROUSE.

On November 18, 2005, federal agents arrested ROUSE , Kellen Johnson and Jominique Johnson for conspiracy to distribute cocaine.

ROUSE was interviewed and admitted that in August of 2005, he had flown to Kingstree, South Carolina, where he met an individual that he purchased 6 to 8 counterfeit \$50 bills from this individual for the price of \$100.

ROUSE then returned to Montana with the counterfeit currency where he gave the counterfeit to the individual in Great Falls to pass. The individual was to return a portion of the proceeds of the scheme to ROUSE.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that ROUSE will likely serve **all** of the time imposed by the court. In the federal system, ROUSE does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the United States Secret Service and the Great Falls Police Department.

JAMES A. SCHULTEIS

JAMES A. SCHULTEIS, a 54-year-old resident of Shelby, was sentenced to a term of:

- Probation: 5 years
- Special Assessment: \$100
- Restitution: \$18,986

SCHULTEIS was sentenced in connection with his guilty plea to theft from Amtrak.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

From April 30, 1987, until April 1, 2002, SCHULTEIS was an Assistant Conductor (AC) for Amtrak working out of the Shelby Station. As an AC, SCHULTEIS was responsible for collecting fares from passengers under circumstances where a passenger had not paid for a ticket prior to boarding (such as when a passenger boarded at a stop where no Amtrak ticket office was located).

These direct sales transactions of Conductor Cash Fare Tickets required SCHULTEIS to remit the payments within 48 hours of the end of the train run. If monies were not remitted, based upon the outstanding number of tickets known to have been sold by an AC, Amtrak generated an Aging Report, which represented a history of ticket stock issued to an AC and the remission of monies from that ticket stock. If tickets were issued to an AC but not sold, or were sold but no record of payment was made, that information was contained in the Aging Report.

In January of 2002, an Amtrak Office of Inspector General Revenue Protection Consultant initiated an Aging Report that indicated that SCHULTEIS had not accounted for 275 tickets. The Office of Inspector General for Amtrak was notified and an audit was conducted. Beginning in February of 2002, SCHULTEIS went on vacation. He never returned.

Upon investigation, it was determined that the Amtrak records available for review only went back to 1998. The audit determined that Amtrak records did not reveal any

remittances made by SCHULTEIS from April 30, 1998, to 2002, when he was administratively charged by the company and terminated. According to Amtrak records, SCHULTEIS failed to account in any way for 100 tickets that he was issued and failed to remit for documented sales of 225 tickets, for a total of 325 tickets.

Although he acknowledged receiving notice, SCHULTEIS failed to appear for his company hearing. SCHULTEIS did not notify Amtrak of a change of address and did not have contact with Amtrak after his departure from the Shelby area.

After his arrest, SCHULTEIS admitted that he could not recall exactly when he had started to keep monies from Amtrak. When asked if he could have spent the monies he failed to turn in for personal use, SCHULTEIS stated, "I could have."

The audit averaged the amount of the 225 known but unremitted sales to extrapolate a reasonable loss figure for the 100 unknown and unremitted sales. Total actual (275) and averaged (100) loss was \$21,906.81. Because of the difficulty of determining loss regarding the averaged or lost tickets, the parties agreed the total loss and restitution amount to be \$18,986.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SCHULTEIS will likely serve **all** of the time imposed by the court. In the federal system, SCHULTEIS does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by the Office of Inspector General for Amtrak.

LENEA SELAGE

LENEA SELAGE, a 21-year-old resident of Billings, was sentenced to a term of:

- Probation: 1 year
- Special Assessment: \$10
- Restitution: \$307.60

SELAGE was sentenced after having been found guilty during a 1-day trial of contempt of court.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SELAGE will likely serve **all** of the time imposed by the court. In the federal system, SELAGE does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

JOHN PATRICK SEYMOUR

JOHN PATRICK SEYMOUR, a 46-year-old resident of Missoula, was sentenced to a term of:

- Prison: 14 months
- Special Assessment: \$100
- Restitution: \$60,000
- Probation: 3 years

SEYMOUR was sentenced in connection with his guilty plea to bribery.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

The Missoula International Airport is managed, maintained, operated, and controlled by the Missoula County Airport Authority (MCAA). In Fiscal Years 2001 and 2002, the MCAA received over \$10,000 in federal funds in the form of Airport Improvement Grants awarded by the Federal Aviation Administration (FAA).

In 1996, William Joseph "B.J." Lefler and Roger Dale Hall purchased a 28 acre parcel of property adjacent to the Missoula Airport for \$250,000, or approximately \$8,929 per acre.

In 1999, John Patrick SEYMOUR was the Deputy Airport Director. He introduced Hall and Lefler to members of the MCAA and suggested that the Airport consider purchasing land from the men.

On April 6, 1999, the Missoula Airport notified Hall and Lefler of the Airport's interest in purchasing 17.73 acres of the 28 acre parcel adjacent to the Missoula Airport.

SEYMOUR became the Interim Airport Director for the Missoula Airport beginning in July of 1999. As Director, he was actively involved in plans to acquire property for future expansion.

On August 24, 1999, SEYMOUR, on behalf of the Airport, hired an appraiser to perform an appraisal of the Hall/Lefler property. According to the appraiser, SEYMOUR instructed him to appraise the property as if it would be developed into 8 commercial lots and sold in a strong real estate market, despite the property having not yet been subdivided at the time of the appraisal.

On November 2, 1999, the Hall/Lefler property was appraised at \$223,200. The appraiser later told an auditor that he was uncomfortable with having appraised the property as if it had been subdivided into commercial lots when it had not been.

On March 27, 2000, another appraiser reviewed the initial appraisal of the Hall/Lefler property and concluded the \$223,200 [\$12,589 per acre] value stated therein should be accepted “as is.”

On April 6, 2000, the Airport offered Hall and Lefler \$227,630 for the property. The offer was refused.

On April 14, 2000, the Airport submitted PFC (Passenger Fare Charges) application 3, seeking FAA approval to collect \$1.5M in PFCs to be applied toward the purchase of 114 acres of property encompassing both the Hall/Lefler property and other property owned by Lefler.

On April 24, 2000, Hall and Lefler made a counter offer of \$613,727, which was refused by the Airport.

On April 24, 2000, the Airport received a review of the initial appraisal performed by a land acquisition specialist. In his review, the specialist stated the Airport should pay no more than \$223,200 for the Hall/Lefler property unless both the initial appraisal as well as the second appraisal were revised.

On May 16, 2000, one of the owners of the property was asked to review the initial appraisal a second time, incorporating comments in the specialist’s review. Upon doing so, the owner found a slightly higher value for the Hall/Lefler property, \$246,000 [\$13,875 per acre].

Sometime prior to June 12, 2000, SEYMOUR constructed a spreadsheet which reflected a “Total Indicated Land Value” for the Hall/Lefler property of \$473,691 [approx \$26,717 per acre]. An auditor hired by the Airport later concluded that this spreadsheet had no factual basis, and was an attempt by SEYMOUR to get the answer he wanted with respect to the value of the Hall/Lefler property.

On June 12, 2000, based on SEYMOUR’s spreadsheet, the Airport offered Hall and Lefler \$475,000 [\$26,791 per acre] for the property. This offer was subsequently rejected by Hall and Lefler.

On July 13, 2000, the FAA approved PFC application 3, thereby permitting the Airport to collect \$1.5M in PFCs to be applied toward the purchase of 114 acres of land encompassing the Hall/Lefler and Lefler properties.

Sometime prior to August 3, 2000, SEYMOUR constructed a second spreadsheet which contained the heading “Appraisal – Adjusted” followed by a value of \$458,544.

The spreadsheet also reflected \$145,000 in costs which would assumptively be incurred if the Airport condemned the Hall/Lefler property. With this “cost” added to the “value” of the property, the spreadsheet reflected the “Total Purchase Price” for the Hall/Lefler property should be \$603,544.

On August 3, 2000, only four months after offering the appraised value price of \$227,630, the Airport offered Hall and Lefler \$603,544 (the figure reflected on SEYMOUR’s second spreadsheet) for the property. Hall and Lefler accepted this offer. Per acre price was \$34,041.

On December 4, 2000, the Airport purchased the 17.73 acre parcel of the Hall/Lefler property for the agreed upon price of \$603,544, which was approximately \$357,000 more than the value determined in the revised appraisal. The purchase was funded with a Montana Board of Investments (MBI) note. This note was to be paid back using PFCs collected under PFC application 3, which had been approved by the FAA.

Personal and business bank records of Hall and Lefler reflect that they each provided SEYMOUR with \$30,000.

In late 2004, during a search of SEYMOUR’s office computer, the auditor hired by the Airport recovered a March 13, 2001 letter detailing a transaction in which SEYMOUR allegedly sold Hall and Lefler 20 bison for \$60,000. Investigation has determined that the \$60,000 traded hands between Hall, Lefler and SEYMOUR, but there is no record that any livestock was provided to Hall or Lefler. Neither Hall nor Lefler were in the bison business and did not have any apparent motivation for buying bison from SEYMOUR.

On July 17, 2002, the Airport received FAA approval to increase by \$1M the amount of PFCs it could collect under PFC application 3.

On more than one occasion during the summer of 2004, SEYMOUR approached the director of the FAA, Airports District Office in Helena, regarding FAA funds set aside for the Airport to purchase what had been designated as development land north of the Airport.

SEYMOUR told the director that the Airport had not yet been able to obtain environmental assessments (EAs) on said land, which are required prior to FAA money being used to purchase development land. Accordingly, SEYMOUR asked if the Missoula Airport could apply the subject funds toward the purchase of the Hall/Lefler and Lefler properties, which were designated approach land and, therefore, did not require EAs. The director ultimately agreed.

On or about August 12, 2004, the Airport through SEYMOUR, submitted an application for AIP-37, requesting \$1.6M of the funds originally set aside for the purchase of development land north of the Airport, to be applied toward the Hall/Lefler and Lefler

properties. On August 27, 2004, the FAA approved AIP-37 for \$1.6M.

On or about September 14, 2004, the Airport drew down \$944,424 from AIP-37. On or about September 14, 2004, the Airport purchased the Lefler property for \$975,000.

In November of 2004, SEYMOUR admitted to an attorney for the MCAA that he had stolen money from the Airport in connection with the Airport's 2003 purchase of land from two other individuals.

On November 15, 2004, MCAA counsel informed the Airport Board that there was reason to believe SEYMOUR had stolen Airport funds. SEYMOUR was suspended without pay and subsequently prosecuted in 2005, by the Missoula County Attorney, primarily for the theft from the other two individuals' land deal, and sentenced to a term in the Montana State prison system.

On January 6, 2005, Lefler was interviewed. During the interview, Lefler acknowledged that neither he nor Hall ever took possession of the bison they purchased from SEYMOUR in 2001. Lefler further advised that he was unclear as to whether he and Hall had purchased the bison from SEYMOUR jointly, or if each had paid \$30,000 in different, unrelated transactions.

SEYMOUR was interviewed in November of 2005 as part of an agreement with federal prosecutors. SEYMOUR told investigators that in 2000, while the Airport was engaged in negotiations to purchase the Hall/Lefler property, Hall and Lefler, who were very eager to sell the land at a premium price, offered to pay SEYMOUR to get the sale completed. The three men subsequently entered into an agreement whereby SEYMOUR was to use his position as Director to both accelerate the pace of the sale and make certain Hall and Lefler received their optimal price for the land, which the two men set at about \$525,000. SEYMOUR admitted that, in return for his willingness to use his public position to benefit the two, Hall and Lefler were prepared to pay SEYMOUR \$60,000 for the purchase of some bison SEYMOUR owned.

Pursuant to their agreement, SEYMOUR began to manipulate events and numbers which ultimately led, within four months of the first offer of \$227,630, to the Airport's purchase of the Hall/Lefler property for approximately \$603,000, more than \$350,000 above the land's highest appraised value. SEYMOUR clarified for investigators that the sale price reflected the \$525,000 Hall and Lefler had wanted from the transaction, as well as \$60,000 to be "kicked back" to SEYMOUR as a reward for his assistance. SEYMOUR also confirmed that three months after the sale of the property went through, Hall and Lefler each gave him a \$30,000 check payable to Mountain West Bank, which SEYMOUR applied to an outstanding loan he had at the bank. SEYMOUR further stated that neither Hall nor Lefler ever took possession of any bison from him.

The FAA and the Airport Authority entered into discussions over federal reimbursement; about how much federal/local tax money should have been used to buy

the parcel. The final agreement between the FAA and Airport regarding the property at issue was based on a final sales price of \$306,000, which equaled the property's highest appraised value (\$246,000) plus potential condemnation fees as demonstrated by the Airport (\$60,000). Missoula County was left wholly responsible for the inflated amount – approximately \$297,000 – to be paid for out of other MCAA resources.

As of this date, the property has never been developed or used by the Airport.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that SEYMOUR will likely serve **all** of the time imposed by the court. In the federal system, SEYMOUR does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted the case for the United States.

The investigation was a cooperative effort between the Office of the Inspector General for the Department of Transportation, the Federal Bureau of Investigation and the Missoula County Sheriff’s Office.

RAMON SOTO-OSORNO

RAMON SOTO-OSORNO, a 21-year-old resident of Mexico, was sentenced to a term of:

- Prison: 154 days (time served)
- Supervised Release: 2 years

SOTO-OSORNO was sentenced in connection with his guilty plea to interstate transportation of a stolen vehicle and fraud and misuse of visas, passports or other documents.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On June 21, 2006, SOTO-OSORNO was stopped for a traffic violation in Toole County by a Montana Highway patrolman. SOTO-OSORNO was driving a Utah vehicle, registered to a Miguel Plascencia. SOTO-OSORNO told the officer that Plascencia had lent the vehicle to him.

SOTO-OSORNO spoke only broken English and when asked by the officer if he was a United States citizen, SOTO-OSORNO admitted that he was from Mexico.

The officer obtained SOTO-OSORNO’S to search the vehicle. The officer recovered a resident alien card and a Social Security card in the name “Kensou Soto.” When questioned, SOTO-OSORNO admitted these were counterfeit documents and that he

had purchased them in Provo, Utah, for \$100.

The officer arrested SOTO-OSORNO for failing to possess a valid driver's license and proof of insurance. A U.S. Border Patrol agent responded to the Toole County Sheriff's Office to interview SOTO-OSORNO. SOTO-OSORNO admitted he was from Mexico and did not have proper documentation to be in the United States. He further admitted that the documents recovered by the officer were counterfeit and that he had purchased them in Provo, Utah, for \$100.

SOTO-OSORNO further stated he had purchased the vehicle he was driving from a friend in Utah, but he had no records of sale or ownership. Although a records check through NCIC at that time did not show the vehicle as stolen, another check on June 22, 2006, showed the vehicle as having been reported stolen from Utah.

On June 22, 2006, a Provo, Utah police officer interviewed the true owner of the stolen vehicle, Miquel Plascencia. Plascencia confirmed that while he knew SOTO-OSORNO, he had not given him permission to take his car.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SOTO-OSORNO will likely serve **all** of the time imposed by the court. In the federal system, SOTO-OSORNO does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Elizabeth Horsman prosecuted the case for the United States.

The investigation was a cooperative effort between the U.S. Border Patrol and the Montana Highway Patrol.

KRISTI DAWN SWARTZ

KRISTI DAWN SWARTZ, a 23-year-old resident of Broadview, was sentenced to a term of:

- Probation: 5 years
- Special Assessment: \$ 100.00
- Community Service: 200 hours

SWARTZ was sentenced in connection with her guilty plea to assisting a prisoner to escape.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that between August 20 and 21, 2005, Gordon Steven Mahood was in custody at the Ravalli County Detention Facility in Hamilton, pursuant to an order of detention issued by the United States Magistrate Judge, Missoula, Montana. Mahood

was awaiting trial in *United States v. Gordon Steven Mahood, et al.*, CR 05-16-BU-DWM. Mahood has since pled guilty to felony drug violations.

Mahood admitted he removed a metal bar from a table in his cell and began chipping away at a wall with the intent to tunnel through the wall and escape from his cell at the detention facility.

Mahood further admitted that he solicited and received the assistance of his girlfriend, Kristi Dawn SWARTZ, in obtaining photographs of the outside of the detention facility for the purpose of evaluating an escape route.

Mahood also admitted he requested that SWARTZ leave money concealed near the detention facility sufficient for him to notify her of his location and direct her to come and pick him up to complete the escape.

Retired Assistant U.S. Attorney Bernard F. Hubley and Assistant U.S. Attorney Timothy J. Racicot prosecuted the case for the United States.

The investigation was conducted by the United States Marshals Service.

SHANE WOODCOOK

SHANE WOODCOOK, age 27, was RE-sentenced to a term of:

- Prison: 41 months, consecutive to another sentence
- Special Assessment: \$300
- Restitution: \$7,301.75
- Supervised Release: 3 years

WOODCOOK was re-sentenced after his original sentence was appealed to the Ninth Circuit Court of Appeals. The sentence was reversed and remanded back to U.S. District Court for re-sentencing.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that WOODCOOK will likely serve **all** of the time imposed by the court. In the federal system, WOODCOOK does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Carl E. Rostad prosecuted this case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

OTHER VIOLENT CRIME, THREATS AND EXTORTION

YURI CHACHANKO

YURI CHACHANKO, age 23, was sentenced to a term of:

- Prison: 219 months
- Special Assessment: \$300
- Restitution: \$3,536
- Supervised Release: 5 years

CHACHANKO was sentenced in connection with his guilty plea to conspiracy to violate the Hobbs Act, violating the Hobbs Act, and use of a weapon during a crime of violence.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on July 31, 2004, two masked men, both carrying and brandishing firearms, robbed the Winner's Circle Bar and Casino in Billings. Two men dressed all in black and wearing masks entered the bar. According to the victims, one held an assault rifle and the other held a handgun. The assault rifle had a wooden stock and a curved "clip" protruding out the bottom of the weapon. The men forced the seven victims to lie on the floor at gunpoint. One male held a black police scanner and monitored local police radio traffic. One suspect forced a female employee to open the cash register and place money into a bank bag. She was also ordered to give the suspect two envelopes containing money from the gaming machines. The male ordered the employee to open the safe, but she stated she did not have access to the safe.

One male then restrained a victim with a plastic zip tie. As he prepared to restrain another victim, that victim stated the silent alarm had been activated and they needed to leave. The two men then fled the bar. The victims were unable to see or to provide a vehicle description to responding Billings Police Department officers. No suspects were arrested that evening. Unbeknownst to the investigating officers at the time, a resident of a nearby street observed two men run up and enter a vehicle parked in front of his house and drive away. This witness later informed police of his observations.

The next day, on August 1, 2004, two masked men carrying firearms robbed the New Atlas Bar in Columbus. Law enforcement responded promptly and a vehicle pursuit ensued. At the conclusion of the pursuit, two men were apprehended near Laurel. The men were identified as Sam and Yuri CHACHANKO. Billings Police Department Detectives responded to the location of the arrest and recovered several items of evidence, including a Norinco SKS 7.62 caliber "assault" rifle with a curved magazine that protruded from the bottom of the weapon; a Glock Model 21 .45 caliber handgun; a black police scanner; black ski masks; black BDU pants; and numerous black plastic zip-ties. Investigators determined the Glock was stolen from a Casino Security Guard

in Rapid City, South Dakota, in June 2004, in the course of another armed robbery involving two similarly described suspects.

During a search of CHACHANKO at the Yellowstone County Detention Facility, \$400 cash and a receipt for the Holiday Inn Express was found. On August 1, 2004, detectives determined that the suspects rented room #205, based upon descriptions of vehicles and individuals. A search warrant for this room was obtained and executed. Inside the room, detectives located and recovered numerous items of evidence, including a black Timberland backpack with Chinese characters on it; \$504 cash; several articles of brand-new clothing, with price tags still attached; and a motel receipt with CHACHANKO'S name on it.

Several pieces of physical evidence tied both defendants to the Winner's Circle robbery. Detectives examined the recovered police scanner and found the frequencies for the Billings and Columbus Police Departments were programmed in it, among others.

Additionally, the firearms used were distinctive and several witnesses recognized them. The zip ties found in the defendants' belongings were similar in all respects, including dimensions and manufacturer markings to the ones found at the Winner's Circle robbery.

A security guard working in South Dakota, would testify that he was robbed at gunpoint by two individuals and one took his duty sidearm, a Glock Model 21 .45 caliber pistol. This was the Glock firearm recovered from CHACHANKO and Sam when they were arrested.

A witness from South Dakota sold the SKS rifle to CHACHANKO in June or July of 2004 at CHACHANKO'S residence.

SAM pled guilty and has been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that CHACHANKO will likely serve **all** of the time imposed by the court. In the federal system, CHACHANKO does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was a cooperative effort between the Billings Police Department, the Laurel Police Department, the Columbus Police Department, the Yellowstone County Sheriff's Office, the Bureau of Alcohol, Tobacco, Firearms and Explosives, and the Montana Highway Patrol.

LESLIE DEAN GOSS

LESLIE DEAN GOSS, a 35-year-old resident of Browning, was sentenced to a term of:

- Prison: months
- Special Assessment: \$
- Supervised Release: years

GOSS was sentenced after having been found guilty during a 1½ -day trial of carjacking.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that GOSS will likely serve **all** of the time imposed by the court. In the federal system, GOSS does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was a cooperative effort between the Bureau of Immigration and Customs Enforcement and the Great Falls Police Department.

SHANE JAMES GOSS

SHANE JAMES GOSS, a 19-year-old resident of Browning, was sentenced to a term of:

- Prison: 18 months
- Special Assessment: \$100
- Supervised Release: 3 years

GOSS was sentenced in connection with his guilty plea to accessory after the fact to carjacking.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On December 3, 2005, an male individual left a bar in Great Falls, got into his pickup truck, and proceeded to leave. He started to drive out of the parking lot but stopped when a male individual waved him down. The male was later identified as SHANE GOSS’ brother and co-defendant, Leslie Dean Goss.

Leslie Goss pulled the male individual from the pickup truck and beat him. The pickup truck, which was still in gear, began to roll away and SHANE GOSS jumped in the pickup truck. SHANE GOSS and his brother then drove away from the scene in the pickup truck.

SHANE GOSS' sister would have testified to the altercation between Leslie Goss and the male individual. She would have further testified that SHANE GOSS took control of the truck as it rolled away and that SHANE GOSS and Leslie Goss drove the truck to a spot away from the bar.

Great Falls police were called shortly after the robbery and responded to the scene.

Leslie Goss was convicted of carjacking after a jury trial and has been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that GOSS will likely serve **all** of the time imposed by the court. In the federal system, GOSS does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Bureau of Immigration and Customs Enforcement.

JAY VAUGHAN GREGORY, JR.

JAY VAUGHAN GREGORY, JR., age 49, was sentenced to a term of:

- Prison: 240 months
- Special Assessment: \$100
- Restitution: \$5,455
- Supervised Release: 3 years

GREGORY was sentenced in connection with his guilty plea to bank robbery by intimidation.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on about May 10, 2005, GREGORY entered Mountain West Bank, whose deposits were insured by the Federal Deposit Insurance Corporation. GREGORY approached the teller window and placed a small box before the teller which had a green circuit board and what appeared to be a fuse on top of it. GREGORY then pulled out what appeared to be a black handgun and laid it on the counter, pointed it at the teller and handed the teller a note which read:

There are enough explosives in this package to level this building. Cooperative (sic) and we all see tomorrow. Otherwise we all see God. No alarms, no tricks, no nonsense or I detonate the bomb. Count out the money like a regular withdrawal. Quickly and no tricks or you will never see your family again.

The teller complied with the demands and gave GREGORY \$2,430 in U.S. currency and GREGORY left the bank on foot.

The small box which was said to be a bomb in fact contained a circuit board, possibly removed from a television remote control, and numerous pages which had been ripped out of a Bible. These items came from the Holiday Inn Express in Missoula.

Holiday Inn Express employees identified GREGORY as a former tenant of the Holiday Inn Express. He had registered under the name Jeremiah Gregory of Utah. GREGORY was registered as a guest at the Holiday Inn Express from May 6, 2005, through May 10, 2005.

Investigators, with aid from officials in the State of Utah investigating a bank robbery, determined that GREGORY drove a black Ford Contour bearing a New Jersey license plate.

On May 11, 2005, law enforcement queried an internet profile for GREGORY'S profile and it had been updated to reflect GREGORY'S current whereabouts as Coeur d' Alene and Spokane. This information was distributed to Idaho and Washington law enforcement agencies.

At 2:00 a.m., a local Idaho law enforcement officer located a black Ford Contour bearing the same New Jersey license plate number at the La Quinta Inn in Coeur d' Alene. The La Quinta Inn guest registration records revealed that Jeremiah Gregory was a registered guest. GREGORY was apprehended shortly thereafter.

GREGORY admitted he robbed the Mountain West Bank in Missoula. Among GREGORY'S possessions at the La Quinta Inn were a fake bomb, a plastic replica of a Glock Model 26 handgun and empty magazine, a Toshiba Laptop Computer with carrying case and power adapter, small pack of plastic pellets, "brinks" brand lockbox with key, and \$1,043 in U.S. currency.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that GREGORY will likely serve **all** of the time imposed by the court. In the federal system, GREGORY does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Kris A. McLean prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Missoula Police Department.

ROBERT A. KONDASH

ROBERT A. KONDASH, a 59-year-old resident of Townsend, was sentenced to a term of:

- House arrest: 2 months
- Special Assessment: \$50
- Supervised Release: 5 years

KONDASH was sentenced in connection with his guilty plea to two counts of attempted assault of or impeding a federal officer.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that as of May 6, 2005, KONDASH had been ordered to stay away from the Fort Harrison medical facility based on prior objectionable conduct on his part.

On May 6, 2005, two uniformed Fort Harrison Veterans Affairs police officers, Officer Gary R. Bright and Officer David R. Roberts, Jr., arrived at the VA cemetery after KONDASH requested they meet him there.

KONDASH asked the officers to deliver an envelope addressed to the Director of the Veterans Affairs at Fort Harrison.

After the officers told KONDASH they would not deliver the letter, KONDASH became upset and started using profanity and directed verbally threatening remarks toward the officers.

KONDASH subsequently started his truck and drove toward Officer Roberts at a high rate of speed which required Roberts to move out of the way of the approaching truck to avoid being hit.

After KONDASH drove past them, Officers Roberts and Bright began walking toward their vehicle, at which time KONDASH stopped, put his truck in reverse, and backed up at a high rate of speed toward them. Roberts and Bright had to move out of the way of the approaching truck to avoid being hit.

KONDASH continued to direct verbally threatening remarks toward the officers as he drove away from the Fort Harrison complex.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that KONDASH will likely serve **all** of the time imposed by the court. In the federal system, KONDASH does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Former Assistant U.S. Attorney Bernard Hubley and Assistant U.S. Attorney Josh Van de Wetering prosecuted the case for the United States.

The investigation was a conducted by the Office of the Inspector General for the Department of Veterans Affairs.

JAMES DENNIS LENIHAN, III

JAMES DENNIS LENIHAN, III, a 20-year-old resident of Great Falls, was sentenced to a term of:

- Prison: 180 months, consecutive to another sentence
- Special Assessment: \$300
- Supervised Release: 3 years

LENIHAN was sentenced after having been found guilty during a 1½ -day trial of car jacking, using a firearm during a crime of violence, and possession of a firearm by a person convicted of domestic violence.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that LENIHAN will likely serve **all** of the time imposed by the court. In the federal system, LENIHAN does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Joseph E. Thaggard prosecuted the case for the United States.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

PETER GORDON McGREGOR

PETER GORDON McGREGOR, a 56-year-old resident of Nevada, was sentenced to a term of:

- Prison: 78 months
- Special Assessment: \$100
- Supervised Release: 3 years

McGREGOR was sentenced in connection with his guilty plea to bank robbery. In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on May 20, 2005, the US Bank in Butte was robbed by an individual matching McGREGOR’S description.

On June 1, 2005, McGREGOR voluntarily turned himself in to law enforcement officers in Nevada and confessed to robbing the US Bank in Butte.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that McGREGOR will likely serve **all** of the time imposed by the court. In the federal system, McGREGOR does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Bernard F. Hubley prosecuted this case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

JUDITH McKENITH

JUDITH McKENITH, a 57-year-old resident of Bergenfield, New Jersey, was sentenced to a term of:

- Prison: 4 months
- Special Assessment: \$100
- Restitution: \$3,357.60 to Northwest Airlines
- Supervised Release: 3 years (no public airlines during the supervised release)

McKENITH was sentenced in connection with her guilty plea to interference with flight crew members and attendants.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on January 6, 2004, McKENITH was involved in altercations with Northwest Airlines flight attendants and passengers on Northwest Airlines flight 1279 from Minneapolis, Minnesota, to Boise, Idaho. The Northwest Airlines flight was in the special jurisdiction of the United States and the altercation took place over Montana airspace.

During this altercation, McKENITH advised that she was going to the cockpit and was confronted by a flight attendant. McKENITH struck the flight attendant in the jaw with her fist. As a result of McKENITH'S actions, she interfered with the performance of the flight attendant's duties, and NWA Flight 1279 was diverted to the Billings Logan International Airport. McKENITH was physically removed from the airlines by Billings Logan International Police and Billings Police officers.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that McKENITH will likely serve **all** of the time imposed by the court. In the federal system, McKENITH does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Jim Seykora prosecuted the case for the United States.

The investigation was conducted by the Federal Bureau of Investigation.

MOLLIE BECK PEREZ

MOLLIE BECK PEREZ, a 19-year-old resident of Billings, was sentenced to a term of:

- Prison: 18 months
- Special Assessment: \$100
- Supervised Release: 3 years

PEREZ was sentenced in connection with her guilty plea to a violation of the Hobbs Act by interfering with commerce by robbery.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Witnesses would have testified that on November 6, 2005, Rolando Perez entered the Gold Dust Casino and robbed it at gunpoint.

Rolando Perez, wearing a black ski mask and a black-hooded sweatshirt, pointed a firearm at the bartender and demanded cash. Once Rolando obtained the money, approximately \$500, he fled on foot.

On November 8, 2005, Rolando and MOLLIE PEREZ were stopped in a vehicle near Roundup. When questioned, MOLLIE PEREZ and Rolando both stated that they had been staying at a local motel in Billings in early November and when their money ran out, they started sleeping in the car. When they became desperate for money, they discussed robbing a casino.

Rolando and MOLLIE PEREZ purchased a ski mask at a local store. Rolando then donned the ski mask and black clothing that he already owned. They chose the Gold Dust Casino randomly. MOLLIE PEREZ drove the car and dropped Rolando off in the alley behind the casino. Rolando then entered and robbed the casino. Rolando also admitted that he had a gun and that he used a gun during the robbery. After he robbed the casino, Rolando came back to the car with the money and he and MOLLIE PEREZ then spent the night in a motel.

A search of the vehicle was conducted and the handgun used in the robbery, dark clothing, a police scanner, and a fictitious license plate were recovered. MOLLIE PEREZ stated that they used the license plate, which was stolen, to avoid detection. MOLLIE PEREZ'S purse was searched and a receipt for the purchase of the ski mask was also recovered.

Rolando Perez pled guilty and has been sentenced on federal charges.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that PEREZ will likely serve **all** of the time imposed by the court. In the federal system, PEREZ does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

ROLANDO PEREZ

ROLANDO PEREZ, a 29-year-old resident of Billings, was sentenced to a term of:

- Prison: 324 months
- Special Assessment: \$200
- Supervised Release: 3 years

PEREZ was sentenced in connection with his guilty plea to a violation of the Hobbs Act by interfering with commerce by robbery and brandishing a firearm during a crime of violence.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

Witnesses would have testified that on November 6, 2005, PEREZ entered the Gold Dust Casino and robbed it at gunpoint.

PEREZ, wearing a black ski mask and a black-hooded sweatshirt, pointed a firearm at the bartender and demanded cash. Once PEREZ obtained the money, approximately \$500, he fled on foot.

On November 8, 2005, PEREZ and Mollie Beck Perez, were stopped in a vehicle near Roundup. When questioned, PEREZ stated that they had been staying at a local motel in Billings in early November and when their money ran out, they started sleeping in the car. When they became desperate for money, they discussed robbing a casino.

PEREZ and Molly Beck Perez then purchased a ski mask at a local store. PEREZ then donned the ski mask and black clothing that he already owned. They chose the Gold Dust Casino randomly. Molly Beck Perez drove the car and dropped PEREZ off in the alley behind the casino. PEREZ then entered and robbed the casino. PEREZ also admitted that he had a gun and that he used a gun during the robbery. After he robbed the casino, PEREZ came back to the car with the money and he and Molly Beck Perez then spent the night in a motel.

A search of the vehicle was conducted and the handgun used in the robbery, dark clothing, a police scanner, and a fictitious license plate were recovered. A receipt for the purchase of the ski mask was also recovered.

Molly Beck Perez pled guilty to federal charges and has been sentenced.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that PEREZ will likely serve **all** of the time imposed by the court. In the

federal system, PEREZ does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Lori Harper Suek prosecuted the case for the United States.

The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

HOPE RATHBUN

HOPE RATHBUN, a 27-year-old resident of Billings, appeared for sentencing. RATHBUN was sentenced to a term of:

- Prison: 30 months
- Special Assessment: \$100
- Restitution: \$135.85 and counseling expenses
- Supervised Release: 3 years

RATHBUN was sentenced in connection with her guilty plea to a Hobbs Act violation.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On June 11, 2005, at approximately 1:47 a.m., an individual who was later identified as Jeffrey Schlepp, entered Sam’s Place in Billings where he brandished what appeared to be a short-barreled shotgun and demanded money from an employee.

Schlepp then began smashing ashtrays and threatening to kill the employee. The employee gave Schlepp access to the money tray. Schlepp took the money and fled the business. As Schlepp was leaving the business, he yelled that he would kill anyone who attempted to look out the window after him. Witnesses immediately called police and stated that the suspect left in a maroon or purple Chrysler Lebaron.

As a Billings Police officer approached Sam’s Place in response to the call, he saw a vehicle matching the description leave the area. The officer followed the vehicle until it parked on the south side of Yellowstone Avenue near 12th Street West. The officer pulled up behind the car just as Schlepp was getting out of the passenger side door. The officer drew his firearm and ordered Schlepp to get on the ground. Schlepp fled the scene.

The officer then broadcast a description of the fleeing individual and returned to the vehicle where he detained the RATHBUN, the other occupant. RATHBUN informed the officer that a firearm was under the seat on the passenger side. The officer verified the presence of the firearm and upon a subsequent search, a New England Firearms, Pardner Model SB1, .410 gauge, break-action shotgun (SN NG394581) that measured 11.5” barrel length and 15” overall length was recovered. A records search found that

this firearm was not registered.

Upon further questioning, RATHBUN identified the person who had been in her vehicle as “Jeff,” stating she did not know his last name. According to RATHBUN, “Jeff” lived in a camper in the back of a house at an address on Norman Park Drive. RATHBUN stated that she and Schlepp had agreed to rob Sam’s Place. She also stated that Schlepp had agreed to pay her for being the driver from the proceeds of the robbery.

Based on this information, officers went to the Norman Park Drive address where they encountered Schlepp in a motor-home parked in the backyard. Schlepp was identified as the individual who had fled from the vehicle at 12th Street West by the officer who had attempted to detain him.

Schlepp pled guilty and is awaiting sentencing.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that RATHBUN will likely serve **all** of the time imposed by the court. In the federal system, RATHBUN does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was a cooperative effort between the Billings Police Department and the Bureau of Alcohol, Tobacco, Firearms & Explosives.

CHUOI SAM

CHUOI SAM, age 25, was sentenced to a term of:

- Prison: 137 months
- Special Assessment: \$300
- Restitution: \$3,536.00
- Supervised Release: 5 years

SAM was sentenced in connection with his guilty plea to conspiracy to violate the Hobbs Act, violating the Hobbs Act, and use of a weapon during a crime of violence.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial that on July 31, 2004, two masked men, both carrying and brandishing firearms, robbed the Winner’s Circle Bar and Casino in Billings. Two men dressed all in black and wearing masks entered the bar. According to the victims, one held an assault rifle and the other held a handgun. The assault rifle had a wooden stock and a curved “clip” protruding out the bottom of the weapon. The men forced the seven victims to lie on the floor at gunpoint. One male held a black police scanner and monitored local police radio traffic. One suspect forced a female employee to open the cash register and place money into a bank bag. She was also ordered to give the

suspect two envelopes containing money from the gaming machines. The male ordered the employee to open the safe, but she stated she did not have access to the safe.

One male then restrained a victim with a plastic zip tie. As he prepared to restrain another victim, that victim stated the silent alarm had been activated and they needed to leave. The two men then fled the bar. The victims were unable to see or to provide a vehicle description to responding Billings Police Department officers. No suspects were arrested that evening. Unbeknownst to the investigating officers at the time, a resident of a nearby street observed two men run up and enter a vehicle parked in front of his house and drive away. This witness later informed police of his observations.

The next day, on August 1, 2004, two masked men carrying firearms robbed the New Atlas Bar in Columbus. Law enforcement responded promptly and a vehicle pursuit ensued. At the conclusion of the pursuit, two men were apprehended near Laurel. The men were identified as SAM and Yuri Chachanko. Billings Police Department Detectives responded to the location of the arrest and recovered several items of evidence, including a Norinco SKS 7.62 caliber "assault" rifle with a curved magazine that protruded from the bottom of the weapon; a Glock Model 21 .45 caliber handgun; a black police scanner; black ski masks; black BDU pants; and numerous black plastic zip-ties. Investigators determined the Glock was stolen from a Casino Security Guard in Rapid City, South Dakota, in June 2004, in the course of another armed robbery involving two similarly described suspects.

During a search of Chachanko at the Yellowstone County Detention Facility, \$400 cash and a receipt for the Holiday Inn Express was found. On August 1, 2004, detectives determined that the suspects rented room #205, based upon descriptions of vehicles and individuals. A search warrant for this room was obtained and executed. Inside the room, detectives located and recovered numerous items of evidence, including a black Timberland backpack with Chinese characters on it; \$504 cash; several articles of brand-new clothing, with price tags still attached; and a motel receipt with Chachanko's name on it.

Several pieces of physical evidence tied both defendants to the Winner's Circle robbery. Detectives examined the recovered police scanner and found the frequencies for the Billings and Columbus Police Departments were programmed in it, among others.

Additionally, the firearms used were distinctive and several witnesses recognized them. The zip ties found in the defendants' belongings were similar in all respects, including dimensions and manufacturer markings to the ones found at the Winner's Circle robbery.

A security guard working in South Dakota, would testify that he was robbed at gunpoint by two individuals and one took his duty sidearm, a Glock Model 21 .45 caliber pistol. This was the Glock firearm recovered from Chachanko and SAM when they were

arrested.

A witness from South Dakota sold the SKS rifle to Chachanko in June or July of 2004 at Chachanko's residence.

Chachanko pled guilty and has been sentenced.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that SAM will likely serve **all** of the time imposed by the court. In the federal system, SAM does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

Special Assistant U.S. Attorney Ed Zink prosecuted the case for the United States.

The investigation was a cooperative effort between the Billings Police Department, the Laurel Police Department, the Columbus Police Department, the Yellowstone County Sheriff's Office, the Bureau of Alcohol, Tobacco, Firearms and Explosives, and the Montana Highway Patrol.

RAN 'D URBAN

RAN 'D URBAN, a 22-year-old resident of Billings, was sentenced to a term of:

- Prison: 63 months
- Special Assessment: \$200
- Supervised Release: 3 years

URBAN was sentenced in connection with his guilty plea to robbery and possession of a dangerous weapon in a federal facility.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

On the afternoon of June 21, 2005, a woman entered the post office on South 26th Street in Billings, checked her post office box, and then left the post office building.

URBAN followed the woman out of the post office. Once outside, URBAN approached the woman from behind and demanded that she give him her panties. The woman misunderstood what he was saying and thought he said "pennies." She stated that she did not have any pennies.

URBAN then got in front of the woman and told her to give him her panties or she would give them to him at knife point. URBAN then pulled a knife out of his pants pocket.

The woman started walking towards her vehicle and activated her car alarm. At this

point, URBAN got on a mountain bike and left. The woman then called 911.

A short time later, police officers located URBAN a few blocks from the post office. URBAN was patted down and officers found a knife in his pants pocket.

When interviewed, URBAN stated he had asked the woman for a cigarette but had not demanded her panties.

Because there is no parole in the federal system, the “truth in sentencing” guidelines mandate that URBAN will likely serve **all** of the time imposed by the court. In the federal system, URBAN does have the opportunity to earn a sentence reduction for “good behavior.” However, this reduction will not exceed 15% of the overall sentence.

Assistant U.S. Attorney Marcia K. Hurd prosecuted the case for the United States.

The investigation was conducted by the United States Postal Inspection Service.